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OHIO SCHOOL LAWS:

ACCOMPANIED WITH

OPINIONS, INSTRUCTIONS,

AND

BLANK FORMS

FOR THE USE AND

GOVERNMENT OF SCHOOL OFFICERS.

PREPARED BY

THE STATE COMMISSIONER OF COMMON SCHOOLS.

FOURTH EDITION, 1865.

COLUMBUS:

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Ohio 45s
1865

A copy of this volume will be furnished to the Clerk and Treasurer of each Board of Education, the Clerk of each Sub-district, the Clerk of each Board of School Examiners, and to each County Officer having duties to discharge under the school law, to be used by him during his term of office, and at the expiration thereof, to be delivered to his successor.

PREFACE.

OFFICE OF STATE COMMISSIONER OF COMMON SCHOOLS,
COLUMBUS, OHIO, Nov. 9, 1865.

This edition of the School Laws of the State has been prepared in obedience to the requirements of the statute defining the duties of the State Commissioner of Common Schools, as follows:

SEC. 53. He shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, *who shall be governed in accordance therewith.*

SEC. 54. He shall cause as many copies of the laws relating to schools and teachers' institutes, with an appendix of appropriate forms and instructions for carrying into execution all such laws, to be printed in a separate volume, and distributed to each county with the laws, journals, and other documents for the use of the school officers therein, as often after the first distribution as any change in said laws may be made, of sufficient importance, in the opinion of the commissioner, to require a republication and distribution thereof.

The numerous and important amendments to the school law enacted by the last General Assembly, called for a speedy republication of the same, but by inserting the amendatory act of 1864 in the Commissioner's tenth annual report, and the act of 1865 in his annual circular to boards of education, the issuing of a revised edition of the school laws was temporarily deferred. For several months past, the calls for a new edition have been frequent and urgent, and school officers have evidently experienced much inconvenience from the want of it. But inasmuch as it seemed very desirable to accompany the school laws, when republished, with thoroughly revised forms and instructions, the Commissioner felt justified in waiting for a little more experience in the office, and a consequent more intimate acquaintance with the numerous difficulties experienced by school officers in the discharge of their duties. Besides, the preparation of the volume has involved a large amount of time and labor.

It will be observed that the laws are published in a codified form, each section being published as amended, with references to the volume and page of the statutes where the amendatory act may be found, and all supplementary acts and sections being arranged and numbered as supplemental sections. Acts amending sections not repealed, are printed on the same page, but in smaller type. All general school laws are, by this arrangement, presented as one general act, thus securing great facility of reference and an easy acquirement of a knowledge of all statutory provisions relating to a given duty.

In the preparation of the explanations, opinions and instructions which accompany the various sections of the general school law, the Commissioner has aimed to anticipate and prevent most of the cases of difficulty which might otherwise arise in its administration. The opinions relating to the proper interpretation of the law, will be found to contain a complete digest of nearly all the hitherto published opinions of the several Commissioners which have not been rendered inapplicable by subsequent changes in the law. In most instances, however, such opinions have been entirely rewritten, with a view of making them as brief and general as possible. The aim has been to make each explanation and opinion as definite and, at the same time, as widely applicable as possible. In cases of doubtful construction, the Attorney General has been consulted. Whenever the provisions of a section are modified or explained by another section or by an amendatory or supplementary act, reference is made to such section or act.

The blank forms in the appendix have been thoroughly revised and, it is believed, greatly improved. Several important forms are inserted which are not found in previous editions of the school laws. Special attention is called to the blank forms for the annual returns of school statistics, and also to the various forms for keeping the necessary accounts and records of various school officers. The blank forms for the teacher's daily register, and for the term report of school required by law, have been made as plain and simple as possible.

In the hope that the instructions and forms contained in this volume may prove of great assistance to school officers and teachers, they are hereby submitted to them for their official guidance and direction.

E. E. WHITE,

Commissioner of Common Schools.

SCHOOL LAWS OF OHIO.

CONSTITUTION.

ARTICLE VI.—EDUCATION.

SEC. 1. *The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or intrusted to this State for educational and religious purposes, shall forever be preserved inviolate, and undiminished; and the income arising therefrom, shall be faithfully applied to the specific objects of the original grants, or appropriations.*

SEC. 2. *The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a THOROUGH AND EFFICIENT SYSTEM OF COMMON SCHOOLS THROUGHOUT THE STATE; but no religious, or other sect or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this State.*

CHAPTER I.

GENERAL SCHOOL LAW.

An Act to provide for the reorganization, supervision and maintenance of Common Schools.

[*Passed March 14, 1853. 51 vol. Stat. 429.*]

SECTION I. *Be it enacted by the General Assembly of the State of Ohio, That hereafter each and every organized township in the state shall compose but one school district for all purposes connected with the general interests of education in the township, and shall be confided to the*

Each township
a school district.

OPINIONS AND INSTRUCTIONS.

1. SCHOOL DISTRICT.—The term “school district” used in the school laws of this State, applies (1) to an organized township which is, by this section, created a school district; and (2) to any city or incorporated village which, with the territory annexed thereto for school purposes, has a board of education and a school organization separate from, and independent of, the township in which such city or village

Township
board of edu-
cation.

Former dis-
tricts called
sub-districts.

Local direct-
ors in sub-dis-
tricts.

Separate or
special school
districts.

When, where
and how di-
rectors are
elected.

management and control of a board of education, and the several school districts, or fractional parts thereof, which now are or may hereafter be established in the several organized townships of the state, shall be regarded as sub-districts, and be confided to the management and control of local directors, as hereinafter provided; but nothing contained in this act shall be so construed as to give to the township board of education, or to local directors in sub-districts, jurisdiction over any territory in the township included within the limits of any city or incorporated village, with the territory annexed thereto for school purposes, which shall elect or appoint a board of education as hereinafter provided, or which now is or may hereafter be governed, as to schools, by any special or other act, specified in the sixty-seventh section of this act.

ELECTION OF LOCAL DIRECTORS.

SEC. II. On the second Monday of April, in the year eighteen hundred and fifty-three, there shall be held, at the usual hour and place of holding district meetings in each of the sub-districts of the several townships of the state, a school meeting of the qualified voters resident within the sub-district, and having the qualifications of

may be situated. By section 32, a city or incorporated village organized as a school district under the general school law, is called a "separate school district;" and by section 67, a school district organized under any special law, is called a "special school district." This distinction is not, however, preserved in other sections and acts, the terms "separate" and "special" being used indiscriminately to denote any school district other than a township, whether organized under a general or special law.

The term "sub-district" is used almost exclusively to denote the subdivisions of a township, organized for school purposes and confided to the management and control of local directors. By section 16, a sub-district composed of parts of two or more townships is called a "joint sub-district." The term "fractional sub-district" is sometimes applied to a joint sub-district; but the several fractional parts of a joint sub-district have no separate organization. They together form but *one* sub-district.

Section II.

2. TIME AND PLACE OF ELECTION.—A school meeting for the election of directors must always be held at the usual hour of holding such meetings, except when the local directors, as provided in the last clause of section 2, designate a specific hour by posting up written

voters at the state and county elections, who, when assembled, shall organize by the appointment of a chairman and secretary, and proceed to elect, by ballot, three school directors for such sub-district. Of those so elected, the person receiving the highest number of votes shall hold his office for three years; the person receiving the next highest number, shall hold the office for two years; and the person receiving the next highest number, shall hold the office for one year; and each shall continue in office until his successor is elected and qualified. In case two or more persons so elected have received an equal number of votes, the duration of their respective terms of office shall be determined by lot, in the presence of the chairman and secretary of the meeting; and annually thereafter, in the same manner, on the second Monday in April, there shall be elected in each sub-district of the proper township, one school director for the term of three years; and the minutes of the proceedings of any such district meeting shall be signed by the chairman and secretary, and delivered to the directors who shall have been elected as aforesaid, to be recorded by the clerk in the records of the sub-district, and the said clerk of the sub-district shall forthwith certify to the township clerk the names of the

Term of office

—How determined at *first* election.

Tie vote at *first* election

Minutes of the meeting.

—Clerk to record and certify.

notices. If any thing prevents the holding of the meeting at the usual place, the local directors should appoint another place of meeting, and cause notices thereof to be posted up, as is provided in case a specific hour of meeting is appointed.

3. **TERM OF OFFICE.**—The following provision of this section, viz: “of those so elected, the person receiving the highest number of votes shall hold his office for three years; the person receiving the next highest number, shall hold the office for two years; and the person receiving the next highest number, shall hold the office for one year”—was intended to apply only to the *first* election held under the law. When a vacancy occurs in the office of director by death, resignation, or otherwise, making it necessary to elect two directors at a school meeting, each voter should designate on his ballot which of the persons voted for is to serve three years, and which is to fill the vacancy aforesaid. See section 3.

4. **TIE VOTE.**—The provision for casting lots, “in case of two or more persons elected have received an equal number of votes,” applied only to the *first* election under the law, and related, not to the *election* of directors, but to the *duration* of the official term of those already elected. A tie vote at a school election is a failure to elect. Whenever two persons receive an equal number of votes, another ballot should be taken, either at the time or at an adjourned

Specific hour
of holding
election. .

Five days' no-
tice to be
given.

Official oath.

local directors so elected, specifying the term for which each was elected. If the directors of any sub-district, so elected, shall deem it expedient, they may designate the specific hour of the day on which the annual election for such sub-district shall be held, and in such case shall cause five days' notice thereof, in writing, to be posted up in three of the most public places in such sub-district.

[As amended April 17, 1857. 54 Stat. 236, Sec. 1.]

SEC. III. The said directors, within five days after their election, shall take an oath or affirmation to support the constitution of the United States, and of the state of Ohio, and faithfully and impartially to discharge the duties of their office; which said oath the directors are au-

meeting. Successive ballots may be taken at a school meeting, if necessary to effect a choice of director.

5. ELECTION OF DIRECTORS IN NEW SUB-DISTRICTS.—When a new sub-district is formed, as prescribed in section 14, the township board of education should cause to be posted up, in three of the most public places of such sub-district, a notice in writing, describing such sub-district, and appointing a time and place for the first meeting of the qualified voters thereof, to elect, by ballot, three school directors. If the board fail to call such meeting, any three qualified voters resident within such sub-district, may call a meeting to elect directors by posting up, in connection with the written notice of the meeting, a certificate from the township clerk showing the action of the board of education in forming the new sub-district, and describing the boundaries thereof.

The mode of determining the respective terms of office of the directors of such new sub-district, must be the same as prescribed in section 2 for the first election of local directors under the present school law.

6. ELECTION OF DIRECTORS IN JOINT SUB-DISTRICTS.—All the qualified voters resident within a joint sub-district are entitled to vote at school elections, and persons residing in any part of such joint sub-district may be elected to the office of director. The clerk of the board of local directors is a member of the board of education of the township in which the school is situated, whether such clerk resides in the same or another township. Section 16, as amended March 28, 1865. The first meeting for the election of local directors in a new joint sub-district, should be called by the board of education having control of the school, in the manner prescribed above for the first election in a new sub-district.

thorized to administer to each other. And in case a vacancy shall occur in the office of director, by death, resignation, refusal to serve, or otherwise, it shall be the duty of the township clerk to fill such vacancy within ten days after being informed thereof, by the appointment of some suitable person, who shall hold his office until the time of the next annual meeting, when a director shall be elected for the remainder, if any, of the unexpired term, in the manner prescribed in section two.

Vacancy, how filled.

Director to be chosen at next election.

[As amended April 17, 1857. 54 Stat. 236, Sec 2.]

SEC. IV. If the qualified voters of any sub-district shall fail to meet and elect school directors, as prescribed in sections two and three, it shall be lawful for any three qualified voters of such sub-district to call a special meeting of the voters of such sub-district, for the purpose of electing directors, on first giving five days' notice, in writing, of the time and place of holding such meeting, by posting the same in three of the most public places in such sub-district; and the directors so elected at such special meeting shall hold their offices for the unexpired term which they were respectively elected to fill.

Special meeting to elect directors.

Terms of office.

Sections III and IV.

7. OATH OF OFFICE.—In case the person elected to the office of local director fails to qualify by taking the oath prescribed in section 3, *the incumbent must continue to serve* as if no election had been held. The vacancies to be filled by the township clerk are those occasioned by death, resignation, refusal or incapacity to serve, or removal from the sub-district. When the director elected fails to qualify, a special meeting to elect another person to the office may be called as prescribed in section 4. A failure to meet and elect a local director does not create a vacancy in the office unless the incumbent resigns or refuses to serve longer.

8. APPOINTMENT OF DIRECTOR.—The township clerk has authority to appoint a local director only when an actual *vacancy* exists in the office. When the qualified voters fail to meet and elect a director, or when the person elected to the office fails to take the required oath, no appointment can be legally made unless the incumbent resigns or refuses to serve “until his successor is *elected and qualified*.” And in case of such resignation or refusal to serve, the township clerk should wait a reasonable time for a special meeting of the qualified voters to be called, before proceeding to fill the vacancy by appointment. It is evident from the provisions contained in the second, third

APPOINTMENT OF CLERK—MEETINGS.

How directors
are to orga-
nize.

Clerk of sub-
district—du-
ties of.

All business
to be trans-
acted at meet-
ings.

SEC. V. It shall be the duty of the directors, any two of whom shall constitute a quorum, to meet as soon as practicable after having been elected and qualified, at such place as may be most convenient in the sub-district, and organize by appointing one of their number clerk of the sub-district, who shall preside at the official meetings of the directors, and record their proceedings in a book provided for the purpose, together with the minutes of the proceedings of the annual school meetings held in the sub-district, by the qualified voters thereof, which shall be a public record; and all such proceedings, when so recorded, shall be signed by the clerk of the proper sub-district. The directors may meet as frequently as they may think necessary for the transaction of business, and fill any vacancies in the office of clerk which may occur in the sub-district; or, in case of his absence, either of the other directors may officiate temporarily in his place.

and fourth sections of the school law, that it was not the design of the Legislature to deprive the electors in a sub-district of the privilege of electing at least one local director annually.

Section V.

9. CLERK'S TERM OF OFFICE.—The clerk of a sub-district holds his office, not during his continuation in the office of director, but for one year or until his successor be appointed. The board of local directors should reorganize annually, at their first meeting after the annual school election.

10. TRANSACTION OF BUSINESS.—All business, including the employment or dismissal of teachers, must be transacted by the directors at a *meeting*; and two directors can do no legal act at a meeting in the absence of the other director, unless the absent director received notice of the time and place (if an unusual one) of such meeting.* Two directors may, however, transact business at an *adjourned* meeting, or at a meeting the time of which has been fixed by the directors, without each director receiving special notice of the meeting. At any meeting, legally held, the directors may authorize one of their number to employ a teacher or to transact other business.

* All business should be done at formal meetings and the proceedings recorded; and although two directors may transact business, *it must be at a meeting.* * But in order to enable two directors to act in the absence of the other, they must have notified the other director of the meeting, either by a personal notice of the time and place of the meeting or by leaving a written notice thereof at his residence. *Martha Hale vs. Sub-School District No. 12, of Euclid township.* Cuyahoga Common Pleas, February Term, 1860.

DUTIES OF LOCAL DIRECTORS.

SEC. VI. It shall be the duty of the school directors, in each sub-district, to take the management and control of its local interests and affairs, to employ teachers, to certify the amount due them for services to the township

Their duties.

To certify to township clerk.

Section VI.

11. **AUTHORITY OF LOCAL DIRECTORS**.—The management and control of the local school interests of a sub-district, committed to local directors, must be exercised under and in obedience to the rules and regulations of the township board of education. See sections 13 and 17. In case the township board have failed to prescribe rules, or in case the rules of the board do not relate to the matter in hand, the local directors should exercise such control and adopt such rules as may be necessary for the good of the school and as may be consistent with the provisions of the law.

12. **STUDIES AND SCHOOL-BOOKS**.—The authority to determine the studies to be pursued and the text-books to be used in the schools under their control, is vested, by section 17, in the township board of education; but if the board fail to perform this duty, the local directors may take such action as the good of the schools may make necessary. They may secure the use of but *one* series of books in each branch of study by simply forbidding the use of all others *not* adopted by the township board. If any patron is aggrieved, he can appeal to the board of education; but until the board determine what text-books shall be used, the action of the directors must be submitted to. Local directors would not be justified in introducing a new series of books.

For authority to suspend pupils, see section 15.

13. **EMPLOYMENT OF TEACHERS**.—No person can be employed as a teacher in any common school unless such person has first obtained from the proper board of examiners a legal certificate of qualification, valid during the *entire* term for which the engagement is made. See section 45. Assistant teachers and substitutes must hold a legal certificate. Two directors can not employ a teacher except at a *meeting* of which the other director has had due notice.

14. **CONTRACTS WITH TEACHERS**.—To avoid all misunderstanding, all contracts between teachers and local directors should be in writing. A verbal agreement is, however, binding. New directors can not set aside a contract made by their predecessors without good and sufficient reasons. Any two of the local directors may certify to the township clerk the amount due a teacher for services as per contract or agreement.

To visit
schools.

clerk, who shall draw an order on the township treasurer for the amount; and to dismiss any teacher, at any time, for such reason as they may deem sufficient,* and to visit the school or schools of the sub-district at least twice during each term, by one or more of their number, with such other person or persons competent to examine pupils in their studies, as they may choose to invite.

* See supplemental section 9.

15. **WAGES OF TEACHERS.**—The Supreme Court has decided that township boards of education can not, “by any order, resolution or rule,” control or interfere with the wages local directors agree to pay teachers. In their contracts with teachers, local directors should not, as a general rule, exceed the amount of tuition fund apportioned to their respective sub-districts. But if the township board fails, without good reason, to provide the funds necessary to sustain the school of a sub-district twenty-four weeks, or to continue it in operation the same length of time as the schools in the other sub-districts are, on an average, sustained, the local directors may, in their contracts with teachers, so far exceed the appropriation of the board as may be necessary to sustain the school the length of time provided by law. It is the duty of local directors to continue their schools at least *twenty-four* weeks each year. See section 24.

16. **LENGTH OF SCHOOL MONTH.**—By section 15 of an act passed March 18, 1864, a school month consists of *four weeks*, the number of days in a week depending, in the absence of any stipulation in the teacher’s contract, upon the general custom of the township. Whatever may be the teacher’s contract, his report to the township clerk must be made in *school-weeks*. See supplemental section 6.

17. **DISMISSAL OF TEACHERS.**—A teacher may be dismissed by the local directors at any time for such cause as would be deemed sufficient by candid and judicious men. The following reasons clearly constitute a good and sufficient cause for the dismissal of a teacher: 1. A failure to sustain a good moral character. 2. Manifest inability to govern the school or to teach the several branches of study. 3. Habitual neglect of duty or unfaithfulness. 4. Willful violations of the known legal rules of the board.

The evidence of incompetency or unfitness should, in each case, be clear and unquestionable, and should be established by a proper investigation. No teacher should be dismissed without being allowed a hearing in his own defense.

When a teacher’s incompetency or unfitness arises from immoral

SEC. VII. It shall be the duty of the directors, in their respective sub-districts, to negotiate and make, under such rules and regulations as the township board of education may prescribe, all necessary contracts in relation to providing fuel for schools, repairing, building or furnishing school-houses, purchasing or leasing school-house sites, renting school-rooms, and making all other provisions necessary for the convenience and prosperity of

To make contracts for fuel, etc.

conduct, or a want of scholarship, the case may be brought by written complaint before the county examiners, who are required by section 45 to revoke the certificate of any teacher found incompetent or negligent. See Opin. 130. In case a teacher is guilty of gross immoral conduct, as drunkenness, licentiousness, etc., he should be summarily dismissed by the local directors.

18. ILLEGAL DISMISSAL OF TEACHER—COSTS.—By section 11 of an act passed April 17, 1857 (Supp. section 9), a teacher dismissed for frivolous or insufficient reason may bring suit against the sub-district, and if, on the trial of the cause, a judgment be obtained against the sub-district, the sum "so found due" the teacher, is to be paid from the tuition money belonging to such sub-district. In such suit the prosecuting attorney of the county is required by section 66 to defend the sub-district as a part of his official duties. No provision is made for the payment of the costs of the suit, but inasmuch as a judgment includes the costs, in law, it is evident that such costs must be paid by the township board, either from the contingent school fund under their control, or in the manner prescribed in section 64. If the local directors in dismissing the teacher acted without malice and according to their convictions of duty, they are not liable for the costs.

Section VII.

19. RULES OF BOARD CONCERNING CONTRACTS.—In the absence of instructions from the township board, local directors have the power to make all contracts, specified in this section, in such a manner as they may deem best; but when the township board prescribe rules or directions, the action of the local directors, even in the selection of school-house sites, must conform thereto. See section 14, Opin. 43.

20. LIABILITY OF DIRECTORS FOR ILLEGAL CONTRACTS.—Unless the consent or order of a *majority* of the township board be first obtained, local directors, in contracting for the building of a school-house, can not exceed the appropriations made for the purpose, without rendering themselves personally liable for such excess. Boards of education are not responsible for the performance of the

When consent of board to be obtained.

Contracts to be reported to board.

Board responsible.

schools within their sub-district; but no contracts shall be made by the directors, under the provisions of this section, for the payment of money from the township school fund applicable to such purposes, which in any one year shall exceed the amount distributable to the sub-districts, in proportion to the enumeration of scholars resident therein, without first obtaining the consent or order of a majority of the township board of education; and all contracts made by the local directors, under the provisions of this section, shall be reported to the said board, at their next meeting after the making of such contracts; and said township board of education, in their corporate capacity, on the part of the sub-district, shall be held responsible for the performance thereof.

ENUMERATION OF YOUTH.

(*As amended April 17, 1857. 51 Stat. 236, Sec. 3.*)

Local directors to take enumeration.

SEC. VIII. It shall be the duty of the directors in each sub-district to take, or cause to be taken, annually, between the first and third Monday of September, an enumeration of all the unmarried white and colored youth, noting them separately, between the ages of five and twenty-one years, resident within such sub-district, and not temporarily there, designating between male and female, and return a certified copy thereof to the township

illegal contracts of local directors. If the board refuses to appropriate sufficient funds to build a good school-house, the local directors may appeal to the county commissioners. See section 22.

21. REPORTING OF CONTRACTS.—Local directors can not receive any portion of the school funds for disbursement, but, on the contrary, they are required to report all contracts for fuel, etc., to the township board for payment; and unless the township clerk is authorized by a rule of the board to draw the requisite orders for amounts certified by local directors to be due on contracts legally made by them, such contracts can only be paid after they have been duly reported to the board and approved. In making such contracts, local directors can not exceed, without rendering themselves personally liable, the sum distributable in proportion to the enumeration or the sum appropriated by the township board for such contingent expenses, unless it can be made to appear that the board has palpably failed to make, as the law requires, necessary provision for such indispensable expenses.

22. CONDEMNING SCHOOL-HOUSE SITES. *See Supp. section 11.*

clerk;* and in case the directors in any sub-district shall fail to take and return the enumeration aforesaid, it shall be the duty of the township clerk to employ a competent person to take the same, and allow him a reasonable compensation for his services; and shall proceed to recover the amount so paid for such services in a civil action before any court having jurisdiction, in the name of the State of Ohio, against said directors in their individual capacity; and in such suits said clerk shall be a competent witness; and the money so collected shall be applied to the use of common schools in the proper township. The township clerk shall make an abstract of the enumeration so returned to him, designating the number of youth in each sub-district, and transmit such abstract, duly certified, to the county auditor, on or before the first day of October.

Township clerk to correct failure of directors.

Abstract to be transmitted to auditor.

SEC. IX. If any civil township, or part of a township, composing a sub-district, shall be partly situated in the Virginia Military District, the United States Military District, the Western Reserve, or in an original surveyed

Different surveys to be noted separately.

* An Act to provide for admission, without charge, into the State universities and common schools, of persons who, when minors, entered the military service of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the clerk in each sub-school district to take, or cause to be taken, annually, between the first and third Monday of September, an enumeration of all male minors who have enlisted or may yet enlist in the military service of the United States during the present war.

Enumeration of male minors in military service.

SEC. 2. It shall be the duty of the trustees of Miami University, at Oxford, and of Ohio University, at Athens, and the directors of the several sub-school districts of this State, to admit into said universities, and into any of the public schools, without charge, all persons who, when minors, so enlisted in the military service of the United States, and have been honorably discharged therefrom, and to extend to them all the privileges of said institutions and schools for and during a period, equal to the time they have spent in the said service, prior to their arrival at the age of twenty-one years.

Duties of trustees of Miami University, Ohio University, and directors of sub-school districts.

SEC. 3. This act to take effect from and after its passage.

JAMES R. HUBRELL,
Speaker of the House of Representatives.

CHARLES ANDERSON,
President of the Senate.

February 10, 1864.

Sections VIII and IX.

23. ENUMERATION.—The annual enumeration should include all unmarried youth between the ages of five and twenty-one years, who at the time of taking such enumeration, actually *dwelt* or *have their home* in the district, whether such youth constitute a part of the family of their parents or guardians, or are, in good faith and for a continuance of time, hired to labor or service in a family actually residing in such district. The fact that a youth is living in a resident family not temporarily, but is treated and regarded as a *part of such family*, makes such youth a resident. If, however, a youth is staying

township or fractional township, to which belongs any of section sixteen, or other lands in lieu thereof, or any other lands for the use of schools, or any interest in the proceeds of such school lands, the local directors shall, in taking the enumeration of youth resident within their jurisdiction, return separately those residing in the Virginia Military District, or United States Military District, or Western Reserve, or original surveyed or fractional township, to which belong any school lands, or interest in the proceeds of school lands.

temporarily in a district as a *boarder* or *visitor*, or is a member of a family temporarily in the district and whose *actual* residence is in another district, such youth cannot be legally enumerated. But the temporary residence of a family in a district, if such family have at the time no other residence, does not exclude the children actually living in and belonging to such family from the enumeration. A youth can be legally enumerated in but one district, and this is the district in which he actually resides. All children that may be legally included in the annual enumeration of any school district, are entitled to attend the school in such district.

24. **COLORED YOUTH.**—According to the decision of the supreme court, in the case of *Van Camp vs. Board of Education of Logan*, (9 O. S. R., 406,) a youth of less than half African blood, but who is distinctly colored, is to be enumerated as a “colored” youth.

25. **ENUMERATION OF YOUTH IN JOINT SUB-DISTRICTS.**—In taking the enumeration of youth in a joint sub-district, the local directors are required to return a certified copy of such enumeration to the clerk of *each* township having territory in such joint sub-district, stating in each case the number of youth, male and female, residing in *each* of the fractional parts thereof, and also the whole number of youth, male and female, residing in the entire joint sub-district, (see section 16). In case the local directors of a joint sub-district shall fail to take and return the enumeration, it is the duty of the clerk of the township in which the school house is situated, to cause such enumeration to be taken, as in case of like failure on the part of the local directors of single sub-districts.

26. **PAY FOR TAKING ENUMERATION.**—Local directors are not entitled to pay for taking and returning the enumeration. When the township clerk employs a person to take the enumeration, the person so employed must be paid out of the *township* fund, not out of the school fund. The money collected from the delinquent directors must be credited to the school fund.

TOWNSHIP BOARD OF EDUCATION.

SEC. X. That the township board of education shall consist of the township clerk, and of the local director from each sub-district of the township, who has been appointed clerk in his sub-district, a majority of whom shall constitute a quorum for the transaction of business; and the clerk of the township shall be clerk of the board, but shall not be entitled to a vote. It shall be the duty of said clerk to be present at the meetings of the board, and to record in a book, to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all such proceedings, when so recorded, shall be signed by the chairman and clerk.

Of whom composed.

Quorum.
Township clerk to be clerk of board.

SEC. XI. The said township board of education, in each township of the state, and their successors in office, shall be a body politic and corporate in law, and, as such,

Powers and duties.

27. PENALTY FOR FAILING TO TAKE ENUMERATION.—By section 37, “no township, or other district, city, or village, which shall have failed to make and return such enumeration [to county auditor] shall be entitled to receive any portion of the common school funds;” and by section 42, the clerk is made responsible for the loss of such school funds.

Section X.

28. QUORUM OF THE BOARD.—The township clerk, though not entitled to vote, is a member of the township board of education, and is to be counted in deciding whether a quorum is present. One-half, or more, of the sub-district clerks, together with the township clerk, constitute a quorum for the transaction of business. The township clerk has all the rights which belong to the other members of the board except that of voting. He may be appointed acting manager of the schools of the township, as provided in section 13.

29. RECORD OF PROCEEDINGS.—In case of failure to keep a full record of the proceedings of the board, and also a record of all school moneys received and disbursed by the treasurer on the orders of the board during each school year, the township clerk is made liable in a civil action for all loss or damages that may ensue on account of such failure. See section 25 and supplemental section 8.

Section XI.

30. CUSTODY OF SCHOOL-HOUSES.—School-houses, school-house sites, and other school property do not belong to the sub-districts in which they are located, but are the property of the township; and

Title and custody of school property.

may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this state, and may receive any gift, grant, donation, or devise, made for the use of any school or schools, within their jurisdiction; and, moreover, they shall be, and are hereby invested, in their corporate capacity, with the title, care, and custody of all school-houses,* school-house sites, school libraries, apparatus, or other property belonging to the school district as now organized, or which may hereafter be organized, within the limits of their jurisdiction, with full power to control the same in such manner as they may think will best subserve the interests of common schools, and the cause of education; and when, in the opinion of the board, any school-house, or school-house

* See supplemental section 13.

the township board of education, in their corporate capacity, have full power, within the limitations of the law, to control the same in such manner as they may think will best subserve the interests of education. Local directors have also a supervisory care of the school-house and other school property in their sub-district, but their authority is *subordinate* to that of the township board, and must always be exercised in obedience to their directions.

31. USE OF SCHOOL-HOUSES.—It is the duty of the township board of education to exercise such a supervision over the school-houses in the several sub-districts, as may be necessary to prevent their being used in such a manner and for such purposes as may interfere with their use for the legitimate and special purposes for which they were erected. But when their use for school purposes is not interfered with, and the furniture, apparatus, books, and other property belonging to the school or the pupils are not destroyed or injured, the board may permit their application to any object of social or moral improvement which the local directors or the inhabitants may sanction and desire. When the use of school-houses is subject to the limitations and restrictions referred to, the board would be justified in opening them for religious meetings, Sabbath-schools, lectures, or any other moral, literary, or useful purpose. In many country districts it is a very desirable privilege to the inhabitants to be permitted thus to use a school-house. School-houses, when so used, should always be left in a cleanly and good condition.

32. "BARRING-OUT" A TEACHER.—Pupils can not bar the door of a school-house against a teacher for the purpose of extorting a "treat" from him, without committing a trespass and becoming liable to the same penalties, at the suit of the township board, as at the suit of a private citizen whose private dwelling they should close

site, has become unnecessary, they may sell and convey the same in the name of the township board of education of the proper township; such conveyance to be executed by the chairman and clerk of said board, and shall pay the avails over to the township treasurer of the proper township, for the benefit of schools; and all conveyances of real estate which may be made to said board, shall be to said board in their corporate name, and to their successors in office.†

May sell or convey school houses.

[As amended April 17, 1857. 51 Stat. 237, Sec. 4.]

SEC. XII. It shall be the duty of the township board of education to hold regular sessions on the third Monday of April, and on the third Monday of September in each year, in the usual place of holding township elections, or at such place in the immediate neighborhood as may be convenient for the transaction of any business which may be necessary in relation to the subject of either the primary or graded schools of the township, with power to adjourn from time to time, or to hold special meetings at any other time or place within the proper township, as they may think desirable for the transaction of business

Sessions of the board, regular and adjourned.

† An act to provide for the completion of certain contracts heretofore made by school directors.

[Passed February 6, 1854, 52 vol. Stat. 17.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That in all cases where pursuant to law, contracts have been made or entered into for the sale of school house sites or lands, the property of any school district heretofore existing in this state, and the sale remains to be perfected by conveyance, the township board of education, in the township where such property may be situate, shall be authorized to complete the same by executing a conveyance in the manner prescribed in section eleven of the act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1853, on full compliance therewith by the purchaser or purchasers.*

F. C. LEBLOND,

Speaker of the House of Representatives.

ROBERT J. ATKINSON,

President of the Senate pro tem.

against him, with a view of extorting money. The custom of "bar-ring-out" teachers is a remnant of the "dark ages," and can not be pleaded against a positive statutory enactment. The teacher "bar-red-out" of a school-house, should notify the directors, who in turn may appeal, if necessary, to the township board invested with the legal custody of the house. In case neither the directors nor the board cause the door to be opened, the teacher, by holding himself in readiness to discharge his duties, can collect his pay precisely as though his school had not been interrupted.

33. INJURY TO SCHOOL-HOUSE.—By an act passed March 24, 1860, (Supp. sec. 13) any person who shall maliciously injure a school-house or deface the same with obscene words or devices, may be prosecuted and punished.

as aforesaid, and at all such meetings shall appoint one of their number to the chair, and in case of the absence of the township clerk, may appoint one of their own number to serve temporarily as clerk.

Management
of central and
high schools.

SEC. XIII. The township board of education shall have the management and control of all the central and high schools of their proper township, which may be established therein under the authority of this act, with full power, in respect to such schools, to employ, pay, and

Section XII.

34. TRANSACTION OF BUSINESS.—All business of the board of education must be transacted at a *meeting* attended by a majority of the members. A written agreement to purchase maps, apparatus, etc., or to vote for such purchase at the next meeting, signed by a majority or all of the individual members of the board, but not at a meeting, has no legal validity as an act of the board of education, and the township clerk has no authority to draw an order upon the treasurer for the payment of any sum required to fulfill such illegal contract. Such a transaction would be as unauthorized and illegal as the issuing of an order for the payment of money from the school fund on the written request or order of an equal number of citizens who are *not* members of the board of education.

35. MEETINGS OF BOARD.—The members of the board are bound to know the time and place of the two regular meetings provided for by law, without notice. No notice of an *adjourned* meeting is required to be given, except to the members who were absent from the regular or prior meeting. But at a *special* meeting no act can be done unless *all* the members have had reasonable notice of the time (and of the place also if it be an unusual one) of the meeting. If such notice be given, then a majority may exercise all the powers of the board, though all the members do not assemble.* A special meeting may be called by the township clerk, or by the chairman or president of the board, or by two or more members.

Section XIII.

36. CENTRAL HIGH SCHOOLS.—When a central high school has been once established in a township, as provided in section 21, the same may be sustained from year to year by the board of education without again submitting the question to a vote of the people.

37. WHEN TO ACT AS LOCAL DIRECTORS.—When the local directors neglect to employ a teacher, provide fuel, or make other necessary provisions for keeping the school of their sub-district in ope-

* *Wm. J. Martin vs. Joseph Cummings, Isaac T. Fulton and B. S. McFarland*, Shelby County Common Pleas, March Term, 1864.

dismiss teachers, to build, repair and furnish the necessary school-houses, purchase or lease sites therefor, or rent suitable school-rooms, and make all other necessary provisions relative to such schools as they may deem proper; and it shall be the duty of said board of education to exercise all the powers conferred on local directors in respect to sub-district schools, whenever such local directors shall neglect to discharge their duties in any sub-

When to act as
local directors.

ration the length of time required by law; when they neglect or refuse to require pupils to use the school-books adopted by the board; or when they otherwise neglect to discharge their duties legally and in accordance with the lawful regulations of the board, it is made the duty of the township board to act in the stead of such negligent directors. This provision of the law also enables the board to take the entire control of a sub-district school in the absence of two directors or in case of a disagreement between acting directors, and, at all times, to secure, on the part of local directors, a proper compliance with the "rules and regulations prescribed by the board for the government of the schools within their jurisdiction."

38. RULES AND REGULATIONS.—For the purpose of securing necessary uniformity in the management of the schools under their jurisdiction, boards of education should adopt a few general rules for the guidance of directors and teachers. In his annual circular to boards of education, dated April 1, 1865, the School Commissioner submitted the following rules, with the recommendation that they be adopted with such modifications and additions as may be deemed necessary:

1. It shall be the duty of local directors to continue the schools in operation in their respective sub-districts not less than twenty-four weeks each school year. The first term or session shall commence on the — Monday in —
[Here should be added the number of terms, vacations, etc.]

2. The schools shall be closed every — Saturday, and on Christmas, New Year's, Fourth of July, Thanksgiving, and any other national holiday. The daily sessions shall commence at 9 o'clock A. M. and 1 o'clock P. M., with an hour's intermission at noon.

3. The branches of study taught in the schools shall be the common branches, including mental arithmetic, and such other branches and general lessons and exercises as the teachers or local directors may prescribe. The following school books, and these only, shall be used by the pupils in the several branches pursued: [Here name only one series of books in each branch.]

4. The studies and lessons to be pursued and engaged in by each pupil and the classes in which each pupil may recite, shall be determined by the teacher, subject to the approval of the local directors in case they are appealed to by the parent or guardian; and every pupil shall be provided with the books required by the teacher and authorized by the board of education, (unless the poverty of parent or guardian forbids), or be denied attendance upon the school.

5. No pupil afflicted with any contagious disease shall be permitted to attend school; and any pupil guilty of willful insubordination or other disorderly conduct injurious to the school, may be suspended by the local directors or acting manager, and, in case immediate dismissal may be necessary, may be suspended temporarily by the teacher, and reported to the local directors or acting manager of schools.

6. It shall be the duty of teachers to preserve good order in their schools; to prevent all running and boisterous play within the school-house; to protect

To prescribe
rules, etc.

May provide
for German
schools.

district, as required by this act; and it shall also be the further duty of said board to prescribe rules and regulations for the government of all the common schools within their jurisdiction; said board of education may provide for German schools for the instruction of such youth as may desire to study the German language, or the German and English languages together, and if the board shall

the school property from injury or defacement; and to require their pupils to keep the school-room neat and tidy. They shall be at their school-rooms before the time for opening school morning and afternoon.

7. It shall be the duty of every teacher to keep an accurate record of the daily attendance or absence of each pupil and all other statistics which may be necessary to make out a complete and reliable report at the close of the term, in accordance with the blank forms and instructions of the State School Commissioner.

8. No person shall be permitted to enter upon the duties of teacher in any common school in the township unless such person has a legal certificate of qualification covering the entire time for which his services are engaged.

Boards of education have clearly the legal authority to pass each of the above rules, but the duty of employing and dismissing teachers and fixing their wages, belongs exclusively to local directors. Teachers have also the authority to establish such rules and regulations for the government of their schools as may be necessary and proper, not inconsistent with the regulations of the board of education or of the local directors.

39. GERMAN SCHOOLS.—A German school is one regularly organized, in *addition* to the sub-district schools which are required by law to be sustained at least twenty-four weeks each year. Every sub-district school is made by law a *common* school, and, as such, can not be converted into a German school. A German school, like a colored school or a central high school, is established for a *class* of pupils, and cannot, therefore, take the place of the sub-district school. The fact that no person is permitted to teach in any common school without a certificate showing that he is qualified to teach the common English branches, including "*English* grammar," shows that the instruction in the sub-district schools of the State must be in the English language. The law makes no provision for German certificates, and consequently, no person that is not qualified to teach "*English* grammar," can be legally employed even in a German school.

In virtue of the authority vested in boards of education "to determine the studies to be pursued" in the several schools under their control (section 17), the township board (*not* the local directors) may include German among such studies, and thus authorize pupils to be taught to read and write German as well as English, provided the efficiency of the school is not thus materially injured.

40. ACTING MANAGER.—The board of education cannot authorize the acting manager of schools to employ or dismiss teachers in the

deem it necessary, they may appoint one of their number the acting manager of schools for the township, who shall do and perform all such duties as the board may prescribe in relation to the management and supervision of the different schools, and the educational interests of the township, and may allow him a reasonable compensation for his services.

May appoint
acting manager.

SEC. XIV. The said board shall prepare, or cause to be prepared, a map of their township, as often as they deem necessary, on which shall be designated the sub-districts of the township, which they may change or alter at any

Map of township.

Board may
alter sub-districts.

several sub-districts, since this power is vested by law exclusively in the local directors, except when "such local directors shall neglect to discharge their duties." He may, however, be authorized and required to do any duty connected with the management and supervision of schools which the board, in their corporate capacity, have authority to perform or control. The township clerk being a member of the board, may be appointed acting manager. The compensation allowed the acting manager for his services must be paid from the contingent school fund.

Section XIV.

41. SIZE OF SUB-DISTRICTS.—When a sub-district contains less than sixty enumerated youth and, in the opinion of the board, it is not "*necessary*" that the number should be so small, it is the duty of the board to enlarge or abolish such sub-district. But when by reason of swamps, streams of water, a want of passable roads, or sparseness of population, it is impossible to form sub-districts that shall contain at least sixty scholars, without practically depriving some youth of school advantages, boards of education are at liberty, and it is their duty, to form smaller sub-districts. School funds are raised for the purpose of "*affording the advantages of a free education to all the youth of the State,*" and every inhabitant has the right to demand the establishment of a school within such a distance of his residence, and with such facilities for reaching it, as will enable his children to attend. If the board refuse to grant school advantages to all the youth of the township, application may be made to the district court, or the Supreme Court, for a writ of *mandamus*, to compel the board to do its duty in this regard.

42. GRADED SUB-DISTRICT SCHOOLS.—Whenever the population is sufficiently dense to afford the requisite number of scholars to form a school with two departments (one for the larger pupils and one for the smaller), without embracing too much territory in a sub-district, the organization of such graded school is exceedingly desirable.

Size of sub-
districts.

Schools in
each sub-dis-
trict.

regular session, and the number of scholars assigned to each; but no sub-district shall contain within its limits less than sixty resident scholars by enumeration, except in cases where, in the opinion of the board, it is necessary to reduce the number. And it shall be the duty of the board to establish a school in each sub-district of the township, of such grade as the public good, in their opinion, may require; and in the location of primary

A sub-district school with two departments is much superior to two separate, unclassified schools.

43. LOCATION OF SCHOOL HOUSES.*—The authority of the township board in locating and purchasing school-house sites, is paramount to that of the local directors, who are not empowered to select or purchase school-house sites, except under the direction and subject to the rules and regulations of the township board.—Section 7. It is clear, from the provisions of the law, that the Legislature regarded the location of a school-house an important duty, requiring a due consideration of all the circumstances proper to be considered. An act passed February 10, 1860 (see supplemental section 10), authorizes the board of education to condemn a school-house site when the owner refuses to sell the same.

44. TIME OF ALTERING SUB-DISTRICTS.—The sub-districts of a township can only be changed or altered at the regular sessions of the township board, which are required by law to be held on the third Monday of April and September each year, with power to adjourn, from time to time, until all the business required to be transacted at such regular sessions shall have been accomplished. A regular session adjourned to another day to complete business, is an adjourned regular session, and at such adjourned meeting sub-districts may be changed or altered; but not at a *special* meeting. Since the enumeration of youth in the several sub-districts is required to be taken between the first and third Monday of September, and the school funds are distributed in proportion to such enumeration, all changes in the boundaries of sub-districts should, if possible, be made at the regular session in April. When such changes are made in September, a new enumeration should at once be taken in the sub-districts affected by them.

45. MODES OF ALTERING SUB-DISTRICTS.—There are four distinct modes of altering sub-districts: 1. By cutting off a portion of

* Under the school act of March 14, 1853, the township board of education has the power to designate the particular place where school houses in sub-districts shall be built, and the powers which, in this respect, the statute confers on the local directors of a sub district, are to be exercised in subordination to the paramount authority of the township board of education.—*Sup. Court*, 1863.

schools, or schools of higher grade, the board shall have reference to population and neighborhood, paying due regard to any school-house already built, or site procured, as well as to all other circumstances proper to be considered, so as to promote the best interests of the schools.*

Location of
schools.

* For authority to condemn school-house sites, see supplemental section 10.

one sub-district and annexing such portion to another sub-district.

2. By abolishing a sub-district and annexing the territory thereof to one or more other sub-districts. 3. By cutting off a portion of one or more sub-districts and forming from them a *new* sub-district, *i. e.* an additional sub-district. 4. By abolishing two or more sub-districts and consolidating the same into a *new* sub-district.

1. By the first method no new sub-district is formed, and the local directors of the sub-district which is enlarged by the annexation of territory to it, are the legal directors of such enlarged sub-district. If either of the local directors of the sub-district from which territory is cut off, reside in such cut-off and transferred territory, such director ceases to be a director, since he now resides in another sub-district. The vacancy, thus occasioned, must be filled by the township clerk by appointment.

2. By the second method no new sub-district is formed, and the local directors of the sub-district or sub-districts to which the territory of the abolished sub-district is annexed, are the legal directors of such enlarged sub-district or sub-districts. The local directors of the abolished sub-district go out of office at the time the act abolishing such sub-district takes effect, since the abolishing of a sub-district also abolishes the office of local director. When the clerk of a sub-district, so abolished, ceases to be a local director, he also ceases to be a member of the township board of education.

3. By the third method, a *new sub-district* is formed, having no local directors in office. The township clerk can *not* in this case appoint three directors since no vacancy has occurred, as the office has never been filled. The township board of education should cause written notices to be posted up describing the boundaries of such new sub-district, and calling a meeting of the qualified voters thereof to elect three directors. In case the board fail to call such meeting, any three qualified voters resident within such new sub-district, may call the same, by posting up in connection with the written notice of the meeting as prescribed in section 4, a certificate from the township clerk, showing the action of the board in forming such new sub-district and describing the boundaries thereof. The new director thus elected to serve the shortest term, will go out of office on the second

Assignment of
pupils.

Admission to
high school.

SEC. XV. The board shall have power to assign such number of scholars to the several primary schools as they may think best; and when such assignment has been made, shall furnish the teacher a list of the scholars to be assigned; and the board shall also have full power to regulate and control the admission of scholars to schools

Monday of the following April, and the other two directors respectively in one and two years from that date. See appendix, Form 20.

4. By the fourth method, a *new sub-district* is formed, having no local directors in office. Three directors may be chosen in the manner prescribed when a new sub-district is organized from territory cut off from one or more sub-districts (third method). The local directors of each of the abolished sub-districts go out of office when the act abolishing such sub-districts takes effect; and, *at the same time*, the clerks of such abolished sub-districts cease to be members of the township board.

To avoid the difficulty arising from the ousting of a member of the board from office while the board is still in session with important business to transact, the resolution or act abolishing a sub-district should be made to take effect, not immediately, but on a *subsequent* day specified. See appendix, Form 19.

Section XV.

46. ASSIGNMENT OF SCHOLARS.—The term “primary schools” is here used to designate the sub-district schools of a township in which one or more central or high schools have been established. The law gives the township board full power to determine what pupils may be admitted to the central high schools, from the several sub-districts, and in case a sub-district school is graded or divided into two or more departments, to assign such pupils residing in the sub-district to each grade of school or department as they may think best. When pupils have been assigned by the board to the central high school or to either department of a graded sub-district school, neither the teacher nor the local directors have any right to admit such pupils into any other school or department.

47. ADMISSION OF PUPILS OF NON-SCHOOL AGE.—Persons of non-school age, with the exception of soldiers who entered the army when minors (act passed Feb. 10, 1864, p. 15), can not claim admission to any common or high school, but township boards have authority to admit pupils over twenty-one years of age “to schools of a higher grade,” and, when there is no school of a higher grade, to admit them to the sub-district schools, either with or without the payment of tuition. In other words, those who have reached their majority

of a higher grade, according to age and attainments, and may admit scholars over twenty-one years of age, and may suspend, or authorize the local directors to suspend, from the privileges of either of the schools, any pupil found guilty of disorderly conduct, which suspension shall not extend beyond the current session of the school.

Disorderly
scholars may
be suspended.

may or may not be admitted to the schools, according to the pleasure of the board, or of the local directors, in the absence of any action of the board. There is no authority in the school law for the admission of pupils under five years of age to any common school.

48. ADMISSION OF NON-RESIDENT PUPILS.—All persons of school age resident within a sub-district and not temporarily there, are entitled to admission to the common school; but youth who could not be legally included in the enumeration of a sub-district, were such enumeration being taken (see section 8), are not entitled to school privileges. The board of education, and, in the absence of regulations of the board to the contrary, the local directors, may admit non-resident pupils to the schools, when such admission does not interfere with the rights of resident pupils. All money paid by non-resident pupils for tuition in any school of the township, must be paid over to the township treasurer, who is the legal treasurer of all school funds “arising from *whatever sources*.” Neither the local directors nor the teacher can receive such tuition money. The treasurer should place it to the credit of the proper sub-district to be disbursed on the order of the township clerk.

By an act passed Feb. 10, 1864, persons who enlisted in the military service of the United States when minors, are entitled to attend, free of charge for tuition, the public schools of *any* district in the State, during a period equal to the time of said minority service.

49. SUSPENSION OF PUPILS.—Boards of education have full authority to suspend a pupil from school for such disorderly conduct as, in their judgment, may make such suspension necessary or expedient, and in case of a mistaken or wrong exercise of this statutory power, the members are not personally liable for damages, unless it can be shown that they acted “maliciously” and contrary to their own convictions of duty. The acting manager of schools may be empowered by the board to exercise the authority to suspend pupils for and in behalf of said board; and this authority may be delegated to local directors. It is also clear that boards of education may adopt a rule authorizing teachers to suspend pupils, for specified misdemeanors, or for conduct subversive of wholesome discipline.

In the absence of any action of the township board delegating

JOINT SUB-DISTRICTS.

62 vol. Stat.
p. 62, Sec. 1.

[As amended March 28, 1865 62 Stat. 62, Sec. 1.]

When and how
joint sub-dis-
tricts may be
formed.

Directors, how
elected; their
powers and
duties.

Enumeration
of youth.

SEC. XVI. Whenever the better accommodation of scholars makes it desirable to form a sub-district composed of parts of two or more adjoining townships, by mutual agreement between the boards of education of such townships respectively, a transfer of territory for school purposes may be made to the township in which the school-house of such joint sub-district is or may be situated, and the qualified voters resident within such joint sub-district, so composed, shall, at the same time and in the same manner as school directors in other sub-districts are selected, proceed to elect directors who shall have the same powers, perform the same duties, and be subject to the same penalties as directors in sub-districts; provided, that in taking the enumeration of youth, it shall be the duty of said directors to return a certified copy of such enumeration to the clerk of each township having territory in such joint sub-district, designating, in each

such authority to them, local directors can not expel or suspend pupils for disorderly conduct, except when such suspension becomes necessary to protect a school from misrule and anarchy, or the pupils from personal danger or contagious disease, and then the suspension must be *temporary*. The fact that "the management and control" of the school interests of a sub-district are entrusted to the local directors, though such control is made subordinate to that of the township board, makes it the imperative duty of the local directors to rid a school of the presence of a pupil that is, for example, intoxicated, or afflicted with contagious disease, or armed with deadly weapons, or guilty of outbrealking insubordination. Indeed no statutory provision is necessary to empower local directors to take such action. The authority is inherent in their office. Whenever a pupil's conduct clearly demands his immediate removal from the school-room, the teacher may send such pupil away for the day.

Section XVI.

50. JOINT SUB-DISTRICTS IN TWO OR MORE COUNTIES.—Joint sub-districts may be composed of territory situated in different counties, and when so composed, are to be managed precisely as other joint sub-districts. The teacher of a joint sub-district school must have a certificate from the board of school examiners of the county in which the school-house is located. Joint sub-districts can only be formed by a transfer of *territory*.

51. NEW JOINT SUB-DISTRICTS.—When a joint sub-district is

case, the number of youth, male and female, residing in the respective parts of the several townships so united. The school in such joint sub-district shall be under the general control of the board of education of the township in which the school-house is situated, of which board the clerk of said joint sub-district shall be a member, but such school shall be supported from the school funds of the respective townships having territory in said joint sub-district, in proportion to the enumeration of youth; and the board of education having charge of said joint school shall make the proper estimates of the share of expenses of every kind necessary to sustain it, to be paid by each of the said townships, so united, and shall certify such estimates to the auditor of the proper county, who

Control of
joint school.

School funds,
how collected
and applied.

formed by annexing territory in one township to a sub-district of another township, already organized, the local directors of such organized sub-district become the legal directors of the joint sub-district; but when the territory so transferred is annexed to the *part* of a sub-district of another township, or to the territory of an *abolished* sub-district, then new directors must be elected as prescribed when a *new* single sub-district is formed. See section 14; Opin. 45.

The clerk of a joint sub-district may reside in either township, and still be a member of the board of education of the township in which the school-house is located.

52. TEMPORARY JOINT SUB-DISTRICTS.—When it is desirable to organize a joint sub-district temporarily for the better accommodation of scholars, the transfer of territory should be made for a definite specified period, and such conditional transfer should be concurred in by each board interested. Such a sub-district, thus formed, needs no subsequent action to dissolve it at the close of the period for which it was organized.

53. ENUMERATION IN JOINT SUB-DISTRICTS.—The clerks of the several townships having territory in a joint sub-district, should return to the county auditor only the number of youth resident within the fractional part of such joint sub-district which is situated in their respective townships. When the local directors of a joint sub-district fail to take the enumeration and return a certified copy to the clerk of each township, it is the duty of the clerk of the township in which the school is located, to cause such enumeration to be taken as prescribed in section 8.

54. ANNUAL ESTIMATES.—The board of education of a joint sub-district school, are required to make and certify to the auditor of the proper county the estimates of "every kind" necessary to sustain such joint school, including those for furnishing, repairing, or building a

Annual estimates, how assessed and collected.

Transfer of fund to proper township treasurer.

shall add the same to the annual estimates for school purposes made and certified by the boards of education of said townships respectively, and shall assess and collect the same as parts of such township estimates; and in making the annual apportionment of school moneys, as hereinafter provided, the auditor shall state on the copy of said apportionment furnished each township treasurer, the amount of moneys so assessed and collected for the support of said joint school. As soon after the distribution of school funds as practicable, the clerk of the adjoining township or townships shall each draw orders on their respective township treasurers, in favor of the board of education having charge of said school, for all funds belonging to the same, whether derived from the state tax, sale or rent of school lands, township tax, or other sources, the same to be appropriated to the payment of teachers and for other purposes connected with the establishment or maintenance of said joint sub-district school.* No

* An Act to amend an act entitled "An act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, and the acts amendatory thereto.

[Passed March 28, 1855. 62 vol. Stat. 62.]

SEC. 5. That sections sixteen and twenty-four† of "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, and sections seven and ten of "an act to amend and supplementary" to the act aforesaid, passed April 14, 1857, be and the same are hereby repealed; provided that the obligations or liabilities incurred, and the rights acquired under the provisions of any of the sections repealed shall remain, and shall be in no wise altered or affected, but may be enforced, as if this act had not been passed; and all funds legally due from adjoining townships, or their respective share or shares of the expenses hitherto incurred in the support of any joint school, shall be paid over to the board of education having charge of said joint school in the manner herein provided; and that the school directors in the several joint sub-districts of the state shall hold their respective offices until the expiration of the terms for which they were respectively elected.

† These were the original sections which were amended and repealed by this act.

school-house. These estimates are not to be assessed by the auditor as a separate tax, but "as *parts* of such township estimates" for school purposes. The auditor simply adds the estimates for a joint school to the township estimates for other schools, and assesses the whole as one estimate.

55. AUDITOR'S COPY OF APPORTIONMENT.—Section 37 requires the county auditor, in making the annual apportionment of school funds, to "furnish the township treasurers and township clerks, treasurers and recorders of incorporated cities or villages, as the case may be, each with a copy of said apportionment." Upon the copy of the apportionment thus furnished, should be stated the amount of school funds derived from each of the several sources specified in section 37, which are to be disbursed for the support of joint sub-district schools. This will avoid all disagreement between the boards of education or

joint sub-district composed of the fractional parts of two or more townships, which is now organized or may hereafter be organized, shall be dissolved, changed or altered, unless by the concurrent action of the boards of education of the several townships which may have territory included in such sub-district.

How joint sub-district may be dissolved.

SCHOOL BOOKS AND LIBRARIAN.

SEC. XVII. The said board shall have power to determine the studies to be pursued, and the school-books to be used in the several schools under their control, and shall make and enforce such rules and regulations relative to the use

Board to determine studies, books.

clerks interested, respecting the amount of school moneys belonging to a given joint sub-district.

56. TRANSFER OF JOINT SCHOOL FUNDS.—It is the duty of the clerk of the adjoining township to draw an order on the treasurer of said township, and in favor of the board of education having charge of a joint school, for all school funds belonging to the same, whenever the treasurer of the township in which such joint school is located, applies for such order. In making application for an order to transfer the funds belonging to a joint school to the treasury of the township in which such joint school is located, the treasurer should present a certificate from the clerk of said township, that the person named therein is the legal treasurer of said township. In transferring joint school funds to the proper township, no action of either board of education is necessary. The township treasurer is, by section 27, made the treasurer of all school funds, "arising from whatever sources," and it is clearly his duty to collect joint school funds from adjoining townships, without waiting for an order from the board of education. By section 5 of an act passed March 28, 1865, (see above,) all funds due a joint sub-district school from adjoining townships at the time of the passage of said act, were required to be paid over to the board having charge of said joint school.

Section XVII.

57. STUDIES.—The power to determine the studies to be pursued in the several schools under their control, herein vested in boards of education, carries with it the authority to prescribe a course of study for such schools, and the right to determine, or to authorize the teachers to determine, the studies to be pursued by each individual pupil. The general course of study to be pursued in each school should be prescribed by the board of education, but the studies to be pursued, and the lessons to be prepared by each pupil, should be left to the

Librarian.

Bond of librarian.

and preservation of the school libraries and apparatus as they may think advisable, and shall appoint, or authorize the local directors to appoint a suitable person to act as librarian, and to take charge of the school apparatus, resident at some convenient place in the neighborhood where the school is kept, and may require such librarian to give bond for the faithful discharge of his duties, and allow him such compensation as they may think reasonable.

teachers, or the acting manager of schools, who should be empowered by the board to assign such studies and lessons to each pupil as the advancement of such pupil and the classification of the school will permit of and justify. When the parent or guardian refuses to permit his child or ward to comply with the direction of the school authorities, such disorderly pupil may be suspended from school. Such authority is frequently exercised in the management of our best graded schools, and, in many instances, of our township sub-district schools. The success of every school requires classification and system, which can not be secured if every parent may dictate the studies to be pursued in school by his children. The law wisely vests such power in the school authorities. In case the township board fail to prescribe the studies to be pursued, or to authorize teachers to classify pupils, and assign their respective studies and lessons, the local directors may exercise such authority, though not to the extent, perhaps, of excluding pupils from school for non-compliance with their directions. See Opin. 12. In case neither the board nor the directors empower teachers to determine the studies of pupils, they may still exercise such authority, and refuse to instruct pupils in studies and classes which they have not assigned to them. Parents feeling aggrieved, may appeal to the local directors, or to the board of education.

Vocal music or writing may be prescribed by the board as one of the studies to be pursued in the schools under their control, and a special teacher be employed to give instruction therein, but such special teacher must have a legal certificate from the county board of examiners.

58. SCHOOL-BOOKS.—Boards of education should permit but *one* series of books in each branch of study to be used in the schools under their control. Two or three different series of readers, geographies, etc., needlessly multiply classes, to the great injury of any school. When the board have adopted a uniform series of school-books to be used in the schools throughout the township, they have full power to compel teachers to comply fully with such action. In

REPORT REQUIRED OF TEACHERS.

SEC. XVIII. It shall be the duty of the school-teacher to make out and file with the township clerk, at the expiration of each term of the school, a full and complete report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the average attendance, the books used, the branches taught, the number of pupils engaged in the study of each of said branches, and such other statistics as he may be required to make by the township board or local directors, and until such report shall have been certified and filed by the said teacher as aforesaid, it shall not be lawful for said board or local directors to pay said teacher for his or her services.*

What report must show.

Teacher not to be paid until report is filed.

* See supplemental section 6.

case any teacher, by the order of the local directors or of his own accord, refuses to yield compliance, the board may order the school-house (of which they have full custody) to be closed, with a loss of time to the teacher, until their action and regulations are obeyed. See section 7.

59. LIBRARIAN.—By section 61, it is made the duty of boards of education to consolidate the library books under their control into a central library. A township librarian should be appointed, and also sub-district librarians in those sub-districts that desire a semi-annual distribution of books to them.

Section XVIII.

60. TEACHERS' REPORTS.—The word "term" is here used to denote the period during which a school is in continuous session—the period from one vacation to another. In most of the township sub-districts of the State, there are two terms of school each year, and teachers are employed by the term. At the close of a school term the law requires the teacher to make out a "full and complete report," and *it is not lawful for the clerk to draw an order for the payment of a teacher until such report shall have been certified and filed.* Section 53 makes it the duty of the School Commissioner to "prescribe suitable forms and regulations for making all reports," and school officers are required to "be governed in accordance therewith." Section 19 requires school officers to report "such other statistics and information relating to schools as the State Commissioner of Schools may require." It is evident from these provisions that when the School Commissioner supplies blanks for teachers' term reports, and requires such blanks to be properly filled and filed before an order is drawn for the payment of a teacher, the township

BOARD OF EDUCATION REQUIRED TO REPORT TO AUDITOR.

[As amended April 17, 1857. 54 Stat. 237, Sec. 5.]

On or before first day of October.

What report must show.

SEC. XIX. The board of education in each township shall prepare, or cause to be prepared, and forwarded to the county auditor, on or before the first day of October,* a statement exhibiting the number of children in the township, between the ages of five and twenty-one years, distinguishing between male and female; the number of

* An act providing for recording, printing, and distributing the journals of the general assembly, and the laws and public documents.

[Passed April 8, 1856. 53 vol. Stat. 173]

When auditor's abstract is to be made to commissioner.

School year.

When boards of education are to report to auditor.

SEC. 6. All county, township, city and village officers, and all officers and boards of officers of all state institutions and buildings, and all officers connected with the public works of the state, and all corporations (except such as by their charters are required to make their reports at some other specified time) which are now, or may hereafter be required by law, to make annual reports for any purpose to any state officer or officers, shall make out the same *on or before the fifth day of November of each year*, and forthwith transmit the same to the proper officer or officers. For the purpose of making out all such reports as come within the provisions of this section, the year shall begin on the first day of November of each year, and end on the last day of October of the succeeding year; provided, *that the school year shall begin on the first day of September annually, and close on the last day of the following August*; and all school officers and township officers acting as such, who are or may be required to make annual reports to the county auditor, shall make out the same and transmit them to the county auditor *on or before the first day of October* following the expiration of the school year.

clerk is legally bound to obey such a requirement. At the expiration of his term of office, the township clerk is required to deliver to his successor in office "*all certificates and reports of teachers required by law to be filed in his office,*" and in case of failure he is liable to a fine not exceeding fifty dollars. See supplemental section 8. The length of school terms must be reported "*in weeks and fractional parts thereof*"

61. SCHOOL YEAR.—The school year begins on the first day of September and ends on the last day of August. See above. The summer term of school should always close *before* the last day of August.

62. DAILY REGISTER.—Every teacher should keep a daily record of the attendance of each pupil enrolled in his school, and, for this purpose, should be supplied by the township board with a suitable school register. A suitable form for such a register will be found in the appendix. Boards of education have power to supply themselves with all blank-books, order-books, and stationery necessary for the transaction of their official business, and also to supply teachers with registers and necessary stationery.

Section XIX.

63. FORFEITURE OF SCHOOL FUNDS.—By section 67, it is made unlawful for the county auditor to draw an order authorizing the

schools, specifying the different grades; the number of teachers, male and female; the number of children, male and female, who have attended school during the past year; the average attendance; the length of the terms of schools; compensation of teachers, male and female; the number and condition of the school-houses and furniture, and the estimated value thereof; the number and condition of the books in the school libraries; the number of libraries; the kind of school books used in the schools; the number and value of school apparatus, and a full account of the expenditures for school purposes, together with such other statistics and information in relation to schools as the state commissioner of schools may require.

CENTRAL OR HIGH SCHOOLS.*

SEC. XX. Each township board of education shall have power, as hereinafter provided, to establish in their respective townships such number of graded schools, or such modifications of them as the public may require;

Establishment
of, and classi-
fication of
children in.

* See supplemental section 11.

county treasurer to pay over any portion of the school fund to the local treasurer of any school district unless there be first deposited with said auditor an abstract of the enumeration of scholars and "*other statistics* relative to the schools" of such school district as is required by law of teachers, directors and boards of education.

64. DUTY AND LIABILITY OF CLERK.—By section 40, it is made the duty of the clerk of the board of education of any township or special school district to make the annual returns of school statistics to the county auditor, which are required, by section 19, of the board of education; and in case the township clerk, or the clerk of any board, fails to make such returns, he is liable to a reduction of twenty dollars from his annual salary or allowance, and also to a fine not exceeding twenty-five dollars.

65. COMPENSATION OF CLERK.—The township clerk may and should be allowed by the trustees the same compensation for preparing the annual report of school statistics to the county auditor as is allowed for other services of like nature. See supplemental section 2. Such allowance must be paid from the township treasury, *not* from the school fund. The township board of education can not pay the clerk from the school fund, for any service, unless said clerk is acting manager of schools. Section 13; Opin. 40.

In cities and other special school districts boards of education may allow their clerk or secretary a reasonable compensation for preparing the annual school returns and for other clerical duties, and pay the same from the contingent school fund. Supplemental section 2.

and, in case of the establishment of such graded schools, it shall be the duty of the board so to classify the children of the township as to secure to all, as far as practicable, an equitable participation in the advantages thereof; and the board shall designate the sub-districts by numbering them, and schools of a higher grade than primary shall be known by the appellation of central or high schools.

Vote to be taken in establishing such schools.

Twenty days' notice to be given.

Officers of meeting.

SEC. XXI. Whenever, in the opinion of the board of education, it shall become necessary or desirable to provide one or more such central or high schools in their respective townships, the said board shall estimate the probable cost thereof, and call a special meeting of the qualified voters of the township, and who are not residents of any of the territory or districts named in the first section of this act, over which the jurisdiction of the township and local directors is excluded, at the usual place of holding elections, first giving twenty days' notice of the time and object of holding such meeting, by posting the same in some public place in each of the several sub-districts of the township; in which notice the amount or rate of tax, as estimated by the board, shall be stated, and the electors, when convened in pursuance of such notice, shall decide by vote any questions which may be deemed important in relation to the cost and location of the building or buildings, or other provisions necessary for the establishment of any such school, and also the amount of township tax which may be levied for the purpose; and the chairman and clerk of the board shall be chairman and clerk of the meeting, and the clerk shall record in the records of the board the action of the meeting, and the board shall be governed by the direction and vote of said meeting in relation to the subjects or matters so submitted.

Sections XX. and XXI.

66. CENTRAL HIGH SCHOOLS.—When a central or high school has been once established in a township by a vote of the electors, the same may be sustained from year to year by the board of education without again submitting the question to a vote of the people. See section 22.

By an act passed January 24, 1859 (supplemental section 11), a township and village may unite to establish a high school.

67. GRADED SUB-DISTRICT SCHOOLS.—Boards of education have full power to establish graded schools in sub-districts without submitting the question to a vote of the people; and wherever the population is sufficiently dense to afford the requisite number of scholars to form a school with two departments, one for the larger pupils and

ANNUAL ESTIMATES FOR SCHOOL AND SCHOOL-HOUSE PURPOSES.

[As amended March 18, 1864. 61 Stat. 31, Sec. 1.]

SEC. XXII. It shall be the duty of the board of education of any organized township of the state annually to determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the township for school and school-house purposes, including the sustaining of teachers in central or high schools, the prolonging of the terms of the several sub-district or primary schools, after the state funds have been exhausted, the erecting, repairing, or furnishing of school-houses, and any other school purpose, not exceeding three mills on the dollar of the taxable property of the township; and if any board of education shall in any one year fail or refuse to estimate and certify a levy or levies sufficient to provide for six months' tuition in their district, or to provide a

Annual estimate.

Local levies consolidated.

Three mills.

one for the smaller, without embracing too much territory in the sub-district, the organization of such a graded school is exceedingly desirable. A sub-district school with two departments is much superior to two separate unclassified schools.

Section XXII.

68. ANNUAL ESTIMATES.—The annual estimates of the board of education should include, 1. The amount of money required to prolong the sub-district schools after the state funds have been exhausted; 2. The amount required for fuel and other contingent expenses; 3. The amount required for purchasing sites and for building, repairing, and furnishing school-houses; 4. The amount required to sustain teachers in central high schools; 5. Any additional amount for building purposes, or for establishing central high school, which may have been voted at a special meeting of electors. These several *amounts* of money (not *rates* of levy,) so estimated and certified to the county auditor, should be assessed by the auditor as *one* levy "for school and school-house purposes." For form of certificate see appendix. *No sub-district tax can be levied*, except to satisfy a judgment, as provided in section 64.

Inasmuch as treasurers and clerks are required to keep separate accounts of the "tuition fund" and the "school-house and contingent fund," the auditor, in keeping his accounts with the several townships, should credit each of these two funds with the proper amount produced by the levy. See section 37.

N. B. *The estimates for prolonging the sub-district schools should be made with great care, since a failure to provide sufficient funds to*

County commissioners may certify to auditor.

Meeting of qualified voters on question of greater tax for building purposes.

suitable school house in each sub-district, it shall be the duty of the county commissioners of the county within which such district is located, upon being advised and satisfied thereof, to estimate and cause said levies to be made and entered upon the tax duplicate the same as could have been done upon the estimate and certificate of such board: provided, that if, in the opinion of the township board of education, a greater tax than the aforesaid three mills shall be necessary, during any year, for the purpose of purchasing sites or erecting school-houses, or for both purposes, the board shall call a special meeting of the qualified voters of the school district over which they have jurisdiction, which meeting shall be called and held in the manner prescribed in the preceding section, and shall decide by vote the question whether such greater tax, or any other greater tax for said purposes, than the

sustain them, on an average, at least twenty-four weeks each year, forfeits the township's share of the state school fund. Section 24.

69. RATES OF SCHOOL LEVIES.—The estimates of township boards for school and school-house purposes, cannot exceed *three* mills on the dollar; and the estimates of city and village boards acting under the laws specified in the last clause of this section, cannot exceed *four* mills. By an act passed March 25, 1864, the local school levy in cities of the first class, having a population exceeding one hundred thousand inhabitants, cannot exceed *two* mills; in cities having a population of over forty thousand and less than one hundred thousand, not exceeding *three* mills; and in all other cities of the first class, and in cities of the second class, not exceeding *four* mills. See index. The qualified voters of a township, or of a city or village organized as to schools, under either of the laws specified in section 22, may vote an additional levy for school-house purposes. An act passed March 8, 1865, (see page 40,) authorizes boards of education of cities and incorporated villages to borrow money for school-house purposes when a majority of the qualified voters so decide. The state levy for school purposes is *one and three tenths mills*. See section 63.

70. ESTIMATES FOR JOINT SUB-DISTRICTS.—The annual estimates for the support of a joint sub-district school, must be made and certified to the auditor by the board having control of such joint school, separate from the estimates for other school purposes. The certificate should show, 1. The amount required for the payment of teachers, in addition to the state funds; 2. The amount required to pay all school-house and contingent expenses; 3. The share of these estimates to be raised by each township having territory in such joint

aforesaid three mills on the dollar, shall be raised. These several amounts of money so estimated or decided upon, the board shall make known by certificate in writing, on or before the first Monday in June, in such year, including any tax which may have been voted by a special meeting of electors, as provided in the preceding section, to the auditor of the proper county, who shall thereupon assess the entire amount of such estimates on all the taxable property of the township not included in any city or incorporated village, or territory annexed thereto forming any special district, to be entered by said auditor on the tax duplicate of the county, and collected by the county treasurer at the same time and in the same manner as state and county taxes are collected; and when collected, shall be paid over to the treasurer of the proper township, on the order of the county auditor; and said county treasurer shall be entitled to receive for collections one per cent. on all moneys by him collected for school purposes, and no more: provided, that boards of education in

Board to certify estimates to auditor.

Township levy.

Treasurer's fee one per cent.

sub-district, on the basis of the enumeration. Instead of making a separate levy for these estimates, the county auditor is required to add the same to the annual estimates for school and school-house purposes of each township so united, and to assess and collect the same as a *part* of such township estimates, the whole making but *one* levy. Should the estimates of the adjoining township or townships require a levy of three mills, the estimates for the joint sub-district school must still be added by the auditor.

71. COUNTY COMMISSIONERS TO CERTIFY ESTIMATES.—It sometimes happens that a majority of the members of a board of education are too selfish and illiberal to be willing to cause a township tax to be levied, to provide a suitable school-house for a given sub-district, however urgent may be the need of better school accommodations in such sub-district. This fact induced the legislature, when amending the school law in 1864, to authorize and require county commissioners to act for and in lieu of a board of education when advised and satisfied that such board has, without good and sufficient reasons, failed or refused to certify to the auditor the necessary estimates for sustaining a good school twenty-four weeks, or for providing a suitable school-house, in a given sub-district. The failure of the board may be reported to the commissioners by the township clerk, by the local directors of the sub-districts, or by any other persons interested, or the inhabitants of the sub-district may petition the commissioners.

72. RATE BILLS.—Neither the local directors nor the board of education have authority, under any pretence or for any purpose

Cities and villages may levy four mills.

Special meeting.

cities and incorporated villages, organized and governed, with the territory annexed to the same for school purposes, by the provisions of the act to which this act is amendatory, or by the act for the better regulation of public schools in cities, towns, &c., passed February 21, 1849, or by the act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto, shall have the power to levy taxes for school and school-house purposes, not exceeding four mills, and to call a special meeting of the qualified voters, to decide the question whether a greater tax for school-house purposes than the aforesaid four mills shall be levied, as is herein conferred upon boards of education in townships.*

*An act supplementary to an act passed March 18, 1864, entitled "an act to amend and supplementary to an act entitled 'an act to provide for the organization, supervision and maintenance of common schools,'" passed March 14, 1853, and the acts amendatory thereto; also, supplementary to "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, and the acts amendatory thereto; also, supplementary to "an act for the better regulation of the public schools in cities, towns, &c.," passed February 21, 1849, and the acts amendatory thereto.

[Passed March 8, 1865. 62 vol. Stat 40.]

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That when the board of education of any city or incorporated town or village shall determine that it is necessary to purchase a site and erect a school house thereon, or to do either, for the proper accommodation of the schools of such city, town or village, under the provisions of said act, and if said board shall be of opinion that the necessities of the schools in said city, town or village require the immediate purchase of such site, or erection of such school house, or both, said board of education are authorized to submit to the qualified voters at any meeting called by them for the purpose of determining the question of levying a tax for such purpose, the further question whether said levy shall be continued to be made from year to year until the amount so estimated shall be raised; and if a majority of the qualified voters shall vote in favor of the sum proposed to be raised and the levy of taxes yearly to raise the same, said board of education shall certify the same annually to the county auditor, who shall place the same upon the tax duplicate in like manner as other taxes certified by boards of education of cities, towns or villages are required to be assessed by him under said act, and to enable said boards of education to anticipate the moneys to be raised and to purchase such site, or erect such school house, they are hereby authorized to borrow such sum of money so estimated and voted, and to issue notes or bonds therefor, bearing interest not exceeding six per cent., and for such sums, and payable at such times as may be justified under the limitations as to amount of levy in said act of March 18, 1864, prescribed.*

SEC. 2. *This act shall take effect and be in force from and after its passage.*

CHARLES H. BABCOCK.

Speaker pro tem. of the House of Representatives.

CHARLES ANDERSON,

President of the Senate.

Boards of education may submit question of purchasing site and building school-houses to qualified voters.

—and may borrow money and issue bonds.

whatever, to make out rate bills against those sending to a common school. The "thorough and efficient system of common schools" which the constitution requires, must afford "the advantages of a free education to all the youth of this state." Section 63. A school sustained in any sub-district by subscription, is not a common school, and cannot be so reported. Boards of education may receive and use the same for the benefit of a given school.

SECTION XXIII. [*Repealed by an act passed April 30, 1862.*
9 vol. Stat. p. 71, Sec. 9.]

DISBURSEMENT OF SCHOOL FUNDS.

[*As amended March 28, 1865. 62 Stat. 62, Sec. 2.*]

SEC. XXIV. All school funds which may come into the hands of the township treasurer, from whatever source, shall be paid out only on the order of the clerk of the board of education, under the direction of the board; except, in paying teachers for their services, the said clerk may, on such teachers presenting their certificates of qualification, and depositing with the clerk true copies thereof, draw the requisite orders on the treasurer for such amount as may have been certified to be due by any

All funds to be paid out by direction of board, except tuition fund.

Clerks to draw orders for teachers' pay.

Section XXIV.

73. DISBURSEMENT OF CONTINGENT FUND.—The custom which has prevailed in some townships, of dividing up the contingent fund and placing the same in the hands of the local directors of the several sub-districts, to be paid out as the money may be needed, is clearly illegal. All school funds must be retained in the custody of the township treasurer until drawn out for the payment of *specified* expenses. Section 7 makes it the duty of local directors to report all contracts, made under the provisions of that section, to the township board, at their next meeting after the making of such contracts, for payment. Inasmuch as the meetings of the board are not frequent, the clerk may be authorized by the board to draw the requisite orders for amounts certified by local directors to be due on contracts made by them under the direction of the board. See section 7. *All orders issued by the clerk should state for what specific purpose they are drawn.*

74. PAYMENT OF TEACHERS.—It is the duty of the township clerk to draw the requisite orders for the payment of teachers only when each of the following documents are presented to him: 1. A written statement of the amount due, certified by any two of the local directors of the proper sub-district. 2. A legal certificate of qualification, or a true copy thereof, from the proper board of school examiners, covering the *entire time* of the teacher's services. Section 45. 3. A full and complete term report made out in accordance with the instructions of the Commissioner of Common Schools. Section 18. Each of these three documents must be carefully filed by the clerk and handed over to his successor in office. Supplemental section 8. An assistant teacher who has not a legal certificate, cannot be paid through an order drawn in favor of another teacher who has a certificate, nor can an uncertificated teacher who is employed as a *substi-*

State school
funds to pay
teachers.

To be distrib-
uted on basis
of enumera-
tion.

two of the local directors of the proper sub-district in which the teacher was employed; and so much of the school moneys coming into the hands of the treasurer as may be derived from the state tax, or from such school funds as arise from the sale or rents of section sixteen, or other school lands, shall be applicable only to the payment of teachers in the proper township, and shall be drawn for no other purpose whatever; and all school funds made applicable to the payment of teachers only,* shall be distributed to the several sub-districts, and fractional parts thereof, in the township, in proportion to the enumeration of scholars, with the exception of so much

* School funds arising from the *township tax* and set apart for the prolongation of the terms of the sub-district schools, are not included. Such funds are not to be distributed on the basis of enumeration. On the contrary, the smaller sub-districts are entitled to the greater share of them.

tute, receive pay through another teacher. Section 45 provides that “no person shall be employed as a teacher” who has not a legal certificate. It is the duty of the township clerk to refuse to draw an order for the payment of money from the school fund when he has satisfactory evidence that any portion of such money is to be used for the payment of a teacher not possessing a legal certificate. A legal certificate must cover the *entire time* of the teacher’s services, and such certificate can neither directly nor indirectly be made to legalize another teacher’s services.

When a teacher files a copy of a certificate with a township clerk, the clerk should record the fact, with the date, across the back of the original certificate, thus: True copy filed with the clerk of — township, — county, Ohio, — 186—. ———, Tp. Clk.

75. TOWNSHIP SCHOOL FUND.—All school funds arising from a township tax, and not levied by a vote of electors nor to sustain teachers in high schools, may, at the discretion of the township board, be divided into two separate funds: a “*tuition fund*” (for prolonging the schools), and a “*school-house and contingent fund*.” This division of the township school fund should usually be made in accordance with the annual estimates certified to the auditor, but when the board of education find that such estimates were not properly made, they may reapportion such township funds, transferring, for example, so much of the contingent fund to the tuition fund as they may deem necessary.

N. B. When the township school funds have been divided by the board, and one portion set apart for prolonging the schools and the other portion for school-house and contingent purposes, *they must be so disbursed by the township treasurer*. He has no authority to pay

of the township tax as may have been levied and reserved by the board, for sustaining teachers in the central or high schools; and such school funds as arise from the sale or rents of section sixteen, or other lands in lieu thereof, shall be distributed to the localities to which such funds belong. All other school funds of the township not derived from the state tax nor from the sales or rents of school lands nor raised for the central schools or other special purpose, and with the exception of so much of the township tax as may be set apart for the continuation of the schools after the state funds have been exhausted, shall be applied, under the direction of the board, in procuring school-house sites, building, furnishing and repair-

Section sixteen.

What funds to be applied in procuring sites, building, &c.

an order drawn for the payment of a teacher from the contingent fund, nor *vice versa*.

76. APPORTIONMENT AND DISBURSEMENT OF SCHOOL FUNDS.—All school funds coming into the hands of the township treasurer must be distributed and disbursed as follows:

1. Moneys derived from the State tax must be distributed to the several sub-districts and fractional parts of joint sub-districts in proportion to the enumeration of youth, and applied *only* to the payment of teachers.

2. Moneys arising from the rent of, or the interest on the proceeds of the sale of section sixteen or other school lands (called irreducible school funds), must be distributed to the sub-districts to which such funds belong, and applied *only* to the payment of teachers in such sub-districts.

3. Moneys derived from the township tax and *set apart* by the board for the continuation of the schools, must be so distributed, that the smaller sub-districts "*shall be able to continue their schools the same length of time as the larger sub-districts.*" In other words, such moneys must be so distributed that the schools in the several sub-districts may be sustained an equal number of months during each school year.

4. Moneys derived from the township tax and reserved by the board for sustaining teachers in central or high schools, must be applied to that purpose.

5. Moneys derived from the township tax and estimated and levied for the support of joint sub-district schools, must be paid over to the proper treasurer (section 16) and applied exclusively to the support of such joint sub-district schools.

6. All other school funds must be applied, under the direction of the board, in procuring school-house sites, building, repairing and furnishing school-houses, and in making such other provisions for the

Township tuition fund--how to be distributed.

How long schools to be continued in operation.

ing school-houses, providing fuel, and in making such other provisions for schools in the sub-districts of the proper township, as may, in the opinion of the board, be necessary; and so much of the township tax as may be set apart for the continuation of the schools, shall be so apportioned that those sub-districts that contain comparatively a small number of resident youth of school age, shall be able to continue their schools the same length of time as the larger sub-districts; and the board of education of each township, city or village, shall make the necessary provisions for continuing the schools in

schools of the several sub-districts as may, in the opinion of the board be necessary.

N. B. Inasmuch as the larger sub-districts receive more of the State funds than the smaller sub-districts, the smaller are entitled to proportionally more of the township tuition fund than the larger. If, however, the larger sub-districts contain two schools, or otherwise actually require more tuition money than the smaller sub-districts, to sustain their schools an equal length of time, they are entitled to more. The larger sub-districts may, in some instances, be obliged to pay higher wages than the smaller. The intention of the law is to require boards of education to provide the necessary funds, *all the circumstances being duly considered*, for continuing the schools of the several sub-districts an equal length of time. In case the township tuition fund is distributed by the board illegally, complaint should be made to the State Commissioner of Schools, who is required, by section 52, to secure the distribution of all school funds "according to law."

77. FORFEITURE OF STATE SCHOOL FUNDS.—A township or separate school district forfeits its annual share of the school fund arising from the State tax, if the board of education of such township or separate district fail to make the necessary provision for continuing the schools therein in operation, *on an average*, at least twenty-four weeks during the year. If the several sub-district schools of a township are, hereafter, kept in operation less than twenty-four weeks, the board of education must be able to show that the necessary funds *were provided*. A sub-district cannot forfeit its share of the State funds, except in common with the other sub-districts of a township. The term "separate school district" is used in the school law to designate a city or incorporated village which, with the territory annexed for school purposes, is organized and governed, as to schools, separate from and independent of the township in which such city or village may be situated. The provision of the law relating to a forfeiture of State school funds, applies only to entire townships and to cities and incorporated villages.

operation in their respective townships, or separate school districts, for at least twenty-four weeks in each year; and in case the board of education of any township or separate school district shall fail to make the necessary provisions for continuing the schools therein in operation the length of time herein required, such township or separate school district shall not be entitled to any portion of the school fund arising from the state tax, during the next succeeding school year, and such forfeited state school funds shall be distributed to the other several townships of the county, in proportion to the enumeration of youth,

When district
forfeits state
school funds.

It is the duty of local directors to continue the schools in operation in their respective sub-districts at least twenty-four weeks each year, whether or not the township board have supplied the necessary funds. See section 6; Opin. 15.

78. **SURPLUS TUITION FUNDS.**—If the local directors of any sub-district fail, without good reasons for doing so, to continue their school in operation each school year until all the tuition funds apportioned to such sub-district are exhausted, the township board may reapportion so much of such surplus funds *as was derived from the township tax*, but they cannot take from a sub-district any portion of the State funds that may be unexpended. The board may, however, in their next apportionment of the *township* tuition fund, take into account the fact that a sub-district has to its credit a surplus of State funds which were not expended during the preceding school year. The reapportionment of township tuition funds, if done at all, should be made at the annual meeting in September, or soon thereafter.

79. **TEACHER'S BOARD.**—There is no legal authority for stipulating in a contract with a teacher that he shall "*board around*," since such a contract cannot be enforced on the inhabitants of a sub-district. A patron of a common school cannot be obliged to board a teacher gratuitously. Local directors have full authority to employ teachers and include their board in the wages agreed upon, and the township board must make the necessary provisions for fulfilling such contracts.

But there is no serious legal objection to the custom of having teachers "*board around*," provided all the inhabitants of a sub-district agree to it, and provided, also, the custom is uniform throughout all the sub-districts in the township. If the wages of teachers in some sub-districts include the cost of their board, but not in others, the expense of sustaining the schools would rest very unequally upon the inhabitants of a township. It is desirable that the teachers in all the sub-districts should "*board around*," which the township board have no power to require, or else all should board themselves. If,

Board of education individually responsible for forfeiture of funds.

and such of the members of said board of education as shall neglect or refuse to comply with the provisions of this section, shall be individually responsible for all losses sustained by any township or district by reason of such neglect or refusal to comply with the provisions of this section, and shall be jointly and severally liable for the same in a civil action in the name of the state of Ohio; and the amounts so recovered shall be apportioned to the several sub-districts in the same manner as the school funds would have been.

DIVISION OF DUTIES, AND LIABILITY OF CLERK.

Duties of clerk, etc.

Record to be kept.

Penalty for neglect.

SEC. XXV. The clerk of the board of education, or any one or more of the board designated for that purpose, or the acting manager of schools of the township, may do and perform all such duties and services connected with the interests of schools, as the board may direct, and report the same to the board for their action and approval; and it shall be the duty of the clerk of the board to keep a full record thereof, in connection with the records of the other official proceedings of the board; and, in case of failure to keep such record, or other records required by this act, the clerk of the board shall be liable in a civil action for all loss or damages that may ensue to any person or persons, or to the school district, in the name of such person or persons, or board of school directors, as the case may be, and shall, moreover, be liable, on com-

however, the inhabitants of a sub-district wish to sustain their schools *longer* than the other sub-districts, there can be no objection to their boarding the teachers as a gratuity, to secure this end.

The custom of teachers "boarding around" had its origin in a desire to diminish the amount of rate-bills which were formerly assessed on the patrons of a school to defray its expenses. But the system of rate-bills was abolished in 1853, and the custom of "boarding around" may, with great propriety, be abolished also.

80. PRIVATE SCHOOLS.—Boards of education have no authority to appropriate funds for the payment of the tuition of pupils in schools which are not under their exclusive control; nor can one dollar of the school fund, under any pretense, be appropriated toward the providing of accommodations for such a school.

Section XXV.

81. PAY OF CLERK AND ACTING MANAGER.—The township clerk may be appointed acting manager of schools, and for his services as acting manager be paid a "reasonable compensation" from the contingent school fund (section 13); but for all clerical duties he

plaint filed in the name of the state of Ohio, before any justice of the peace, or other court having jurisdiction, to a fine, not exceeding one hundred dollars, which, when collected, shall be paid over to the treasurer of the proper township, for the benefit of schools.

SETTLEMENT WITH TREASURER.

SEC. XXVI. It shall be the duty of the board of education to make settlement with the township treasurer at their regular session in April, annually; but if, for want of time, or other reason, a settlement can not be made at said session, then it shall be the duty of the board to appoint a committee composed of one or more of their own members, to make such settlement as soon as practicable, and report the result to the clerk of the board, who shall record an abstract thereof in the records of the board.

Board to settle with township treasurer.

TREASURER, AND HIS DUTIES.

SEC. XXVII. The township treasurer, in each township, shall be the treasurer of all school funds for school purposes, belonging to the township, arising from whatever sources; and on his election, and before entering upon the duties of his office, he shall give bond, with sufficient security, in double the probable amount of money that shall come into his hands, payable to the state of Ohio, to be approved by the trustees of the township, conditioned for the faithful disbursement, according to law, of all such funds as shall from time to time come into his hands, and, on the forfeiture of such bond, it shall be the duty of the township clerk to prosecute and collect the same for the use of the schools in the township; if such township clerk shall neglect or refuse to so prosecute, then any freeholder may cause such prosecution to be instituted.

Duties of township treasurer; to give bond; its condition, etc.

When township clerks to prosecute.

must be paid from the township treasury by the township trustees.
Supplemental section 2. No member of a board of education can receive any compensation for his services as member of said board.
Supplemental section 2.

82. RECORD OF PROCEEDINGS.—*See section 10.*

Section XXVI.

83. SETTLEMENT WITH TREASURER.—The object of this settlement is clearly to make the new board of education acquainted with the actual condition of the several school funds so that the annual estimates may be made intelligently. If the treasurer's accounts are properly kept, the settlement here required will cost very little trouble. The settlement should, if possible, be made at the annual meeting; if this is impracticable, the annual estimates may be made at an adjourned meeting.

[As amended March 18, 1864. 61 Stat. 32, Sec. 2.]

SEC. XXVIII. Before the county auditor shall issue to the township treasurer any order on the county treasurer for the payment of any school funds belonging to the township, such township treasurer shall furnish the auditor with a certificate from the township clerk, that such treasurer has executed and filed with him a bond, as provided for in the foregoing section, and also stating the amount of said bond; and the auditor shall in no case permit the township treasurer to have in his hands, at any one time, an amount of school funds over one half the amount of the penalty in such bond; and the township trustees shall allow the township treasurer a compensation equal to one per cent on all school funds disbursed by him, to be paid on the order of the trustees, out of the township treasury; provided, that said township treasurer shall annually, on or before the 20th day of September, prepare and forward to the county auditor, a statement exhibiting the amount of school moneys received from the various sources during the school year ending August 31, and the amount of school moneys disbursed during the year for the payment of teachers, for sites and building purposes, and for fuel and other contingent expenses; and in case the township treasurer shall fail, from any cause, to make return of such statement as aforesaid, it shall be the duty of the township trustees to deduct for every such failure, from the compensation allowed the treasurer under this section, the sum of twenty-five dollars.

Certificate of
bond to be
filed with au-
ditor.

Compensation
of treasurer.

Treasurer
must make
annual state-
ment to au-
ditor.

Penalty for
failure.

Sections XXVII.—XXX.

84. RENTS OF SCHOOL LANDS.—The annual proceeds from the rents of section sixteen or other lands in lieu thereof must be paid over by the treasurer of the board of trustees elected to take charge of said lands, to the township treasurer, to be distributed to the localities or sub-districts to which such funds belong, as provided in section 24. Section 9 of an act to incorporate the original surveyed townships, passed March 14, 1831, requires the treasurer of moneys arising from the rents of section sixteen, to pay them over “to the treasurers of the several school districts,” but the school law of 1853 abolished the office of treasurer in school districts, now called sub-districts, and made the township treasurer, “the treasurer of all school funds for school purposes, belonging to the township, arising from whatever sources.”

85. TUITION OF NON-RESIDENT PUPILS.—Money received for the tuition of non-resident pupils in any sub-district must be paid over to the township treasurer, to be placed to the credit of the sub-

[As amended March 18, 1864. 61 vol. Stat. 32, Sec. 3.]

SEC. XXIX. The township treasurer shall, annually, between the tenth day of February and the first day of March, settle with the county auditor, and account to him for all moneys received, from whom and on what account, and the amount paid out for school purposes in his township; the auditor shall examine the vouchers for such payments, and, if satisfied with the correctness thereof, shall certify the same, which certificate shall be *prima facie* a discharge of such treasurer; and at the expiration of his term of service, said treasurer shall deliver over to his successor in office all books and papers, with all moneys, or other property in his hands, belonging to said township, or the schools therein, and also all orders he may have redeemed since his last settlement with the county auditor, and take the receipt of his successor therefor, which he shall deposit with the township clerk within ten days thereafter; and for making such annual settlements he shall be entitled to receive the sum of one dollar, and five cents per mile for traveling to and from the county seat, to be paid out of the county treasury, on the order of the county auditor.

Settlement of auditor and treasurer.

Auditor's certificate.

Treasurer to deliver over books, papers, etc.

Treasurer's receipt, etc.

Compensation for making settlement.

district, and disbursed on the order of the township clerk. Local directors can not receive and disburse such tuition money, nor can they authorize the teacher to receive it.

86. COMPENSATION OF TREASURER.—The township treasurer can not be paid out of the school fund. The law provides that "the township *trustees* shall allow the township treasurer a compensation equal to one per cent. *on* (not *of*) all school funds disbursed by him, to be paid on the order of the *trustees*, out of the *township treasury*." The compensation allowed for disbursing building funds can only be one per cent., the same as for disbursing other school funds. Boards of education in cities and other separate school districts, not organized under the general school law, may allow their treasurers a reasonable compensation out of the contingent school funds under their control. Supplemental section 2. Treasurers of cities and incorporated villages organized as to schools under the general school law, are to be paid by the corporation council out of the corporation treasury. Section 34; Opin. 106.

87. TREASURERS OF SEPARATE SCHOOL DISTRICTS.—By section 10 of an act passed March 10, 1864 (supp. sec. 1), it is made the duty of the treasurer of school funds in *any* city or town, under any school law of the State, general or special, to file a certificate of bond with the county auditor as is required by section 28 of township treasurers; and also to make an annual settlement with the auditor in February,

Penalty
against town-
ship treasurer.

SEC. XXX. In case the township treasurer shall fail to make such annual settlement within the time as prescribed in the preceding section, he shall be liable to pay a fine of fifty dollars, to be recovered in a civil action in the name of the state of Ohio, and, when collected, to be applied to the use of common schools in the proper township; and it is hereby made the duty of the county auditor to proceed forthwith, in case of such failure, by suit, against such treasurer, before any justice of the peace of his county, to recover the penalty aforesaid; but when it shall appear, on trial, to the satisfaction of said justice, that said treasurer was prevented from making such settlement within the time prescribed, by sickness, or unavoidable absence from home, and that such settlement has since been actually made, it shall be lawful for the justice to discharge such treasurer, on the payment of costs.

SCHOOLS FOR COLORED YOUTH.

[As amended March 18, 1864. 61 vol. Stat. 32, Sec. 4.]

SEC. XXXI. The township boards of education in this state, in their respective townships, and the several other boards of education, and the trustees, visitors and directors of schools, or other officers having authority in the

and to forward to him in September a statement of the receipts and expenditures of school funds during the preceding school year.

88. ILLEGAL ORDERS.—The county auditor is the legal guardian of the school funds, and it is his duty to refuse to credit treasurers for orders which, in his judgment, have been illegally drawn on school funds. He must be "satisfied with the correctness" of vouchers. When an order does not specify for what the money was drawn, the auditor need not allow the same until corrected by the township clerk.

Section XXXI.

89. COLORED SCHOOLS.—When the number of colored youth enumerated in a township or separate school district exceeds *twenty*, and when of the colored youth so enumerated, over twenty reside sufficiently near each other to be able to attend the same school, the board of education of such township or separate district, as the case may be, are *required*, by law, to establish one or more separate schools for such colored youth. The conditional clause, "when such schools will afford them," etc., is explained by the clause near the end of the section, viz: "when owing to the great distance they reside from each other," etc. If over twenty colored youth enumerated can attend the same school, a separate colored school would clearly not be "imprac-

premises, of each city or incorporated village, shall be and they are hereby authorized and required to establish, within their respective jurisdictions, one or more separate schools for colored children, when the whole number, by enumeration, exceeds twenty, and when such schools will afford them, as far as practicable, the advantages and privileges of a common school education; and all such schools so established for colored children, shall be under the control and management of the board of education, or other school officers who have in charge the educational interests of the other schools; and such schools

Separate schools when the number enumerated exceeds twenty.

Under the control of township board.

ticable." Those who reside too far from the colored school, so established, to attend it, must be otherwise provided with school advantages.

Boards of education are *required* to continue colored schools in session "*each year*, until they have expended their full share of *all* the school funds of the township or district," including State school funds (State tax and school lands), and all funds raised by local taxation, whether for prolonging sub-district schools, the building of school-houses, the paying of contingent expenses, or for any other school purpose whatever; and they *may* continue such schools the same length of time as the other schools, meeting any excess in their expenses by an appropriation from the contingent school fund under the control of the board. Separate schools for colored youth may also be established by the board of education when the number of such youth enumerated is less than twenty, but the law does not require the establishment of such separate schools.

90. SCHOOL-HOUSES FOR COLORED SCHOOLS.—The necessary funds with which to build houses for colored schools, are to be raised precisely as funds are raised to build other school-houses, viz: by a general tax on the property of the township or district; and since a school-house is indispensable in establishing a school, boards of education are required to provide suitable school-houses for all colored schools under their jurisdiction. In case a board of education neglect or refuse to provide a suitable school-house for a colored school, application may be made to the proper district court or to the supreme court for a writ of *mandamus*.

91. JOINT DISTRICT FOR COLORED YOUTH.—A joint district for colored youth may be formed of parts of two or more townships, and, when organized, is to be supported from the school funds applicable to the purpose, of the several townships, in proportion to the enumeration of youth, and such funds may be transferred to the proper treasurer, as provided in section 16. A school-house for such joint colored school must be erected by a tax upon the property of the townships so

Joint district
for colored
youth.

for colored children shall be continued in operation each year until the full share of all the school funds of the township or district belonging to said colored children, on the basis of enumeration, shall have been expended: provided, that when the number of colored children residing in adjoining townships or districts, whether in the same or in different counties, shall exceed twenty, the boards of education of said townships or districts so situated, may form a joint district for the education of colored children, and said school shall be under the control and direction of the board of education of the township or

united, in proportion to the enumeration of colored youth in the territory of each contained in the joint district. The estimates may be made and certified to the auditor by the board having charge of such joint school.

92. ADMISSION OF COLORED YOUTH TO COMMON SCHOOLS.*—

When the whole number of colored children enumerated is less than twenty, or when owing to the great distance they reside from each other, a separate school for them is impracticable, the board of education are *not required*, by law, to establish a separate school for such colored children, but the board *are required* to set apart and expend "*each year*" for their education the full share of all school funds raised on the number of said colored children. *But how?* There are but two ways in which a board can legally expend each year the funds set apart for the education of colored children, viz: (1) by organizing separate schools for such colored children, and employing therein teachers possessing a legal certificate of qualification; or (2) by admitting them to the common schools and appropriating their share of the school funds to the payment of their tuition in such schools.

1. By section 24, as amended March 28, 1865, the State school funds (derived from State tax and school lands) are made applicable *only* to the payment of teachers; by section 45 (last clause) it is made unlawful to draw an order for the payment of a teacher for services unless said teacher shall have filed with the clerk a legal certificate of qualification, or a true copy thereof, covering the entire time of such service; and by section 18 it is made unlawful to pay any teacher for his services until such teacher shall have made out and filed a full and complete term report of the "*school*" taught by such

* Since the decision of the Supreme Court, in the case of Van Camp vs. Board of Education of Logan (9 O. S. R., 406) was made, section thirty-one of the school law has been amended, and "further and more definite provision" for the education of colored youth enacted, as was recommended by the court. When the number of colored youth in a district is too small to justify the organization or the continuance of a school for colored youth, school advantages for such youth must, under the present law, still be provided "*each year.*"

district in which the school-house is situated. When the whole number of colored children enumerated is less than twenty, or when owing to the great distance they reside from each other a separate school for colored children is impracticable, the board of education shall set apart the full share of school funds raised on the number of said colored children, and the money so set apart shall be appropriated each year for the education of such colored children, under the direction of the board.

When less than

School funds set apart for colored youth to be expended each year.

teacher. These provisions forbid most positively the expenditure of a dollar of the State school funds, except for the payment of certificated teachers employed in *schools* under the exclusive control of the board of education. Temporary schools for colored children, organized and taught during the vacation of the other schools, will meet the requirements of the several provisions of the law above cited; but boards are not required by law to organize such temporary schools.

2. When the number of colored youth in a district is too small to justify the organization of a separate school for them, such colored youth may be admitted by the board to the common schools. Section 63 provides a State common school fund "for the purpose of affording the advantages of a *free education to ALL the youth of the State*;" section 24 requires such State common school fund, so provided, to be distributed to the *several sub-districts* of each township and applied only to the payment of teachers; and the last clause of section 31 requires the township board to expend "*each year*" the full share of such State common school fund and all other school funds set apart for the education of colored youth. Whenever a separate school for colored youth can not be organized each year, even temporarily, it is difficult to see how the board can comply with these positive requirements of the law, except by admitting such colored youth to the common schools. While colored youth may not be entitled, *as of legal right*, to admission into common schools set apart for the instruction of white youth, they are entitled "to the advantages of a *free education*," and when their admission to the common schools becomes necessary in order that they may receive such free school advantages, it would seem to be the duty of the board to admit them.* Boards of education have full authority to take such action.

* The question is raised whether a statutory provision excluding colored youth of school age from the common schools when no separate school is provided for them, would be *constitutional*. Section 2 of article VI requires the General Assembly to make such provision as "will secure a thorough and efficient system of *common schools* throughout the State." Webster defines a *common school* to be one "open to the children of *all the inhabitants* of the town." It seems clear that the State common school system required by the constitution, must provide school instruction for all classes of youth, either in the same or in separate schools.

CITIES AND INCORPORATED VILLAGES.

What cities and villages are separate school districts under this act.

Board of education ; powers and duties.

SEC. XXXII. Each city or incorporated village, including the territory annexed to the same for school purposes, not otherwise specially regulated by charter, or governed as to schools by laws as specified in the sixty-seventh section of this act, and which, with the territory annexed, contains not less than three hundred inhabitants, shall be and hereby is created a separate school district; and the qualified voters of such city or village, with the territory annexed, shall, at the same time, and in the same manner that local directors of the sub-districts of the township are elected by the provisions of this act, proceed to elect three persons, who shall constitute a board of

The Supreme Court has decided (9 O. St. R. 406) that the words "white" and "colored" are used in the school law in their popular and ordinary signification, and that children who are distinctly colored and are generally treated and regarded as colored children by the community in which they reside, are to be classed as colored youth.

Section XXXII.

93. SEPARATE SCHOOL DISTRICTS.—Whenever a village is incorporated and, with the territory annexed, contains not less than three hundred inhabitants, such village, by the act of incorporation, becomes, with the territory annexed, a *separate school district*. In other words, a sub-district, or joint sub-district, containing a village and not less than three hundred inhabitants, becomes a separate school district when such included village is incorporated. The phrase with "the territory annexed" clearly means the territory united with such village, for school purposes, *at the time of its incorporation*, as well as at any subsequent date.

94. POWERS OF BOARD.—Boards of education in separate school districts are entrusted with the direct and full control and management of all its school interests and affairs, and are vested with all the powers conferred by law on township boards of education and sub-district directors in townships, including the power to employ and dismiss teachers; to secure the visitation and examination of the schools by competent persons; to negotiate and make all contracts in relation to providing fuel for schools, furnishing, repairing or building school-houses, purchasing school-house sites, and making all other provisions for the convenience and prosperity of the schools under their control; to take or cause to be taken the annual enumeration of youth; and to perform the further duties prescribed in sections 11, 12 (as far as applicable), 13 (as far as applicable), 15, 17, 18, 19 (by clerk of board), 22, 24, 25, 26, 31, 32, 33, 34, 35, 36, 60, 61, 62 and 68.

education for such city or village, with the territory so annexed, and such board shall have the same powers, perform the same duties, and be subject to the same penalties as township boards of education: Provided, that by agreement between the board of education of the township in which such city or village, with the territory annexed, may be situated, and the board of education of such city or village, transfers of territory not within the limits of such corporation, may be made to or from the districts provided for in this section.*

Annexation of
territory.

SEC. XXXIII. That said board of education, in any city or incorporated village, shall be authorized, when they think it advisable, to divide such city or village into sub-districts; and they may establish schools of different

Sub-districts.

* See supp. section 13.

95. ADOPTION OF GENERAL SCHOOL LAW.—By section 66 any city, township or village, in which common schools have been organized under the “act for the better regulation of public schools in cities, towns, etc.,” or under the “act for the support and better regulation of common schools in the town of Akron,” or under any other special act, may adopt this act and organize, as to schools, in accordance with its provisions. See Opin. 149. The general school law is better adapted to small towns and cities than either of the above acts named.

96. ANNEXATION OF TERRITORY.—When territory is annexed to a city or other separate school district, for school purposes, as provided in this section, such annexed territory is incorporated with, and becomes a part of, such school district. The qualified voters residing within the territory so annexed, are entitled to vote at all school elections, and all taxes for school and school-house purposes must be assessed uniformly upon the property of the entire district, including the territory annexed. It is not clear that township boards of education can transfer territory to a separate school district, except at their regular meetings in April and September, or at adjourned sessions of such regular meetings; and if such transfers can be legally made at special meetings, there are still good reasons in favor of their being made only at regular meetings.

Section XXXIII.

97. SUB-DISTRICTS.—The division of a separate school district into sub-districts by the board of education, does not create the office of local director in such sub-districts. All the schools organized in

Rules and
regulations.

grades, and ordain such rules and regulations for the government and discipline of such schools as they may think conducive to the public good; and it shall be lawful for the township board of education, in any township in which such city or incorporated village is situate, by and with the consent of the board of education of any such city or incorporated village, to transfer thereto for educational purposes the scholars of such parts of their respective townships as lie adjacent thereto; and all such transfers shall be controlled, and such schools supported in the same manner, and on the same principles, as in case of like transfers for the convenience of schools where two or more townships adjoin, as provided in this act.

Joint districts.

a separate school district are under the immediate and full control of the board of education, and said board is empowered and required to perform all the duties, as far as applicable, which are enjoined by this act on boards of education and local directors in townships. Section 32.

98. GRADED SCHOOLS.—Schools of different grades, including high schools, may be established in a separate school district by the board of education, without submitting the question to a vote of the electors, as is required in section 21 when a township high school is to be established. The power of the board to establish schools of one or more grades, and to erect one or more school-houses for the accommodation of such graded schools, is unconditional, and may be exercised without regard to other considerations than the public good.

99. TRANSFER OF SCHOLARS.—Section 16, as amended March 18, 1864, makes no provision for the transfer of *scholars*, except by a transfer of *territory* and the formation of a *joint sub district*. When, therefore, it is deemed advisable to transfer scholars from a township to a separate school district, to form a *joint district*, the territory in which such scholars reside must be transferred. The schools in such joint district, so formed, must be supported from the school funds of the *township* and *separate district* respectively, in proportion to the enumeration of youth; and the enumeration must be taken, the annual estimates made, as far as practicable, as provided in section 16. It will usually be found best, in transferring territory for school purposes to a separate school district, to annex the same so as to form, instead of a joint sub-district, a consolidated and single district, as provided in section 32.

100. UNION HIGH SCHOOL.—By an act passed January 24, 1859, the board of an incorporated village may unite with a township board for the purpose of establishing a joint or union high school. See *supp.* section 11.

[As amended April 23, 1862. 59 vol. Stat. 61.]

SEC. XXXIV. That it is hereby made the duty of said board of education of such city or incorporated village, at their first annual meeting, to elect, from their own number, a clerk or recorder; and the person receiving a majority of all the votes cast, shall be declared elected for one year therefrom, or during the pleasure of said board, and he shall do and perform all the duties required of the clerk of a township board of education, and such other duties as the board of education may, from time to time, prescribe; and all orders of the board of education for the payment of money, shall be countersigned by the clerk or recorder of said board; and it shall be the duty of the treasurer* of such city or incorporated village, to receive and disburse the school funds of such city or village, in

Clerk of the board—his duties.

Duty of treasurer of city or town.

*An Act to amend section sixty-nine of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, as amended March 25, 1862, and to repeal section one of the last named act; also further to define the duties of county treasurers.

[Passed April 29, 1862. 59 vol. Stat. 69.]

SEC. 3. That hereafter the treasurer of each county in this state, containing a city of the second class, shall retain in his hands for disbursement, as hereinafter provided, all the taxes by him collected which shall have been levied for city purposes within the township in which, by law, the county treasury is located.

SEC. 6. That hereafter, in such counties, there shall not be elected within the limits of the township in which, by law, the office of the county treasurer is located, any city treasurer, and no person shall be allowed any compensation for the disbursement of the taxes herein required to be disbursed by said county treasurer. Every person now holding the office of city treasurer, within the limits of any such township, shall immediately settle with, pay over and transfer to said county treasurer all moneys in his possession, or under his control, as such city treasurer.

Section XXXIV.

101. CLERK OF BOARD.—The clerk must be a *member* of the board of education, and although elected for one year, he may be removed from office at the pleasure of the board. Formerly the clerk, or recorder, of the city or corporation was *ex officio* clerk of the board, but was not, in any sense, a member of the board.

102. DUTIES OF CLERK.—The clerk of the board of education of a separate school district is required to perform the following duties, among others: 1. To keep a faithful record of all the official proceedings of the board. Sections 10, 25 and 26. 2. To keep a record of all school moneys received and disbursed by the board. Supplemental section 8. 3. To draw and countersign all orders of the board of education for the payment of money from the school fund. Section 24. 4. To certify the enumeration of youth to the county auditor, and to employ a competent person to take such enumeration, if the board fail to discharge their duty. Section 8. 5. To prepare and forward the annual returns to the county auditor.

To give bond.

Clerk or recorder's receipt.

the same manner as is required of the township treasurers in their respective townships, and for his services shall be entitled to the same compensation: Provided, that the board of education shall require the treasurer to enter into a bond, as required of township treasurers, and that the said treasurer shall furnish the auditor a certificate from the clerk or recorder of such city or incorporated village, that such treasurer has executed and deposited such bond, stating also the amount, as is required of township treasurers in similar cases.

Sections 19 and 40. 6. To certify to the county auditor the annual estimates of the board.

103. PAY AND PENALTY OF CLERK.—The board may allow the clerk a reasonable compensation for the discharge of the duties above enumerated, and all other *clerical* duties. Supplemental section 2. The penalties prescribed in case the township clerk fails to discharge specified duties, apply likewise to the clerk of the board of a separate school district. Sections 25, 40, and 42.

104. PAYMENT OF TEACHERS.—Teachers may be paid as often as the board of education may direct; but no teacher can be paid in full for any term's service until such teacher has filed a full and complete *term* report with the clerk of the board. Section 18. When teachers are paid monthly, they should make out monthly reports, but the reports for each *term* must also be made full and complete. It is unlawful for the clerk of any board to draw an order for the payment of a teacher for services in any position or capacity, unless such teacher first file a legal certificate covering the *entire term* of such services. Section 45. The clerk is personally liable, if he draws orders in violation of this provision.

105. VACANCY IN BOARD.—When a vacancy occurs in the board of education of a city or incorporated village, by death, resignation, refusal to serve, or otherwise, it is the duty of the clerk or recorder of such city or incorporated village (not the clerk of the board) to fill such vacancy by appointment. The clerk of the board of a city or incorporated village, is authorized and required to perform all the duties required of the "clerk of a township board of education." The duty of filling a vacancy in the office of local director, is, by section 3, required of the "township clerk," not as clerk of the township board, but as *clerk of the township*.

106. COMPENSATION OF TREASURER.—The treasurer of a city or incorporated village is entitled to "a compensation equal to *one* per cent. *on* (not *of*) all school funds disbursed by him," to be paid on the order of the council of such corporation, out of the corporation

SEC. XXXV. The board of education of any city or incorporated village shall have, and may exercise, all the powers which are by this act conferred upon the township boards of education, and shall do and perform the like duties, in all respects, so far as applicable, and the school funds shall be divided among the sub-districts, so as to make the distribution as nearly equitable as possible. All taxes for building, purchasing, repairing, or furnishing school-houses and lots, shall be equally assessed on all the property subject to taxation in such city or incorporated village, and the board of education, in expending the same, shall make the necessary provisions for the sub-districts.

Further powers of the board.

treasury—not out of the school funds. Section 28. The provision in supplemental section 2, authorizing boards of education in cities and towns to allow “the treasurer of *said board* a reasonable compensation,” etc., does not apply to the treasurer of cities and towns organized as to schools under the general school law, since such treasurer is *not an officer of the board*.

107. TREASURER IN CITIES OF THE SECOND CLASS.—By an act passed April 29, 1862 (see page 57), the office of treasurer in cities of the second class, situated within the limits of the township in which, by law, the office of the county treasury is located, was abolished, and the county treasurer required to retain in his hands, and disburse, on the order of the proper persons, all the taxes by him collected. Inasmuch as all school funds are not collected by the county treasurer, the provisions of the law seem to be imperfect; and yet it is clearly the intention of the law to require such county treasurer to disburse all school funds on the order of the board of education of a city of the second class, situated as above, if said board are not authorized, by law, to appoint a treasurer to receive and disburse such funds.

108. SETTLEMENT WITH AUDITOR.—All treasurers intrusted with the receipt and disbursement of school funds, are required to make an annual settlement with the county auditor, as is, by section 29, required of township treasurers; and they are further required to make a statement of the receipts and expenditures of all school funds during each school year. Section 28. All treasurers are required to file certificate of bond with county auditor. Supplemental section 1.

Sections XXXV. and XXXVI.

109. POWERS OF BOARD.—This section is but a repetition of powers already conferred upon the board by the preceding sections.

Evening
schools.

SEC. XXXVI. In any district or sub-district, composed, in whole or in part, of any city or incorporated village, the board of education may, at their discretion, provide a suitable number of evening schools, for the instruction of such youth over twelve years of age as are prevented, by their daily avocation, from attending day schools, subject to such regulations as said board, from time to time, may adopt for the government thereof.

APPORTIONMENT OF SCHOOL FUNDS.

State auditor
to apportion
funds and cer-
tify apportion-
ment.

SEC. XXXVII. The auditor of state shall, annually, apportion the common school funds among the different counties, upon the enumeration and returns made to him by the state commissioner of common schools, and certify the amount, so apportioned, to the county auditor of each county, stating from what sources the same is derived, which said sum the several county treasurers shall retain in their respective treasuries from the state funds; and the county auditors shall, annually, and immediately after their annual settlement with the county treasurer, apportion the school funds for their respective counties, according to the enumeration and returns in their respective offices; and no township, or other district, city, or village, which shall have failed to make and return such enumeration, shall be entitled to receive any portion of the common school funds. And, in making such distribution,

Forfeiture of
school funds.

Section 22 requires the county auditor to assess all taxes for school and school-house purposes "on all the taxable property" of the township or separate school district. In the last clause of this section (22), "the territory annexed for school purposes" is included, and made a *part* of the separate district, on the taxable property of which the board of education have power to levy taxes "for school and school-house purposes." The words "with the territory annexed," were not inserted in the last clause of section 35, for the reason, that the territory annexed to a city or village for school purposes, is made, by law, a *part of such city or village*, so far as all school matters are concerned. All taxes for either school or school-house purposes, must be equally assessed by the auditor on the entire taxable property included in a separate school district.

110. EVENING SCHOOLS.—Evening schools are to be supported from the contingent school fund, or from funds raised for the purpose.

Section XXXVII.

111. FORFEITURE OF SCHOOL FUNDS.—A township or separate school district, whether organized as to schools under a general or special law, forfeits its share of the common school fund, on either of

each county auditor shall apportion all moneys collected on the tax duplicate of any township, for the use of schools, to such township; all moneys received from the state treasury, on account of interest on the money accruing from the sale of section sixteen, or other lands in lieu thereof, to the civil townships and parts of civil townships in the original surveyed township, or fractional township, to which such land belongs; all moneys received by the county treasurer, on account of the Virginia Military School Fund, United States Military District, and Connecticut Western Reserve, according to laws regulating the same; and all other moneys for the use of schools in the county, and not otherwise appropriated by law, to the proper township; and he shall, immediately after making said apportionment, enter the same into a book, to be kept for that purpose, and shall furnish the township treasurers and township clerks, treasurers and recorders of incorporated cities or villages, as the case may be, each with a copy of said apportionment, and give an order on the county treasurer to each township treasurer, or to such treasurer as may be entitled to receive the same, for the amount of money belonging to his respective township, city, or village, and take a receipt from such treasurer for the amount thus received; and the said county auditor shall collect, or cause to be collected, the fines and all other moneys for school purposes, in his county, and pay the same over to the county treasurer; and he shall inspect all accounts of interest for section sixteen, or other school lands, whether the interest is paid by the state or by the debtors, and take all the proper measures to secure to each township its full amount of school funds.

County auditor to make apportionment in county, and how.

Copy of apportionment.

County auditor to collect fines, etc.

To superintend school funds.

these three conditions, viz., 1. When, as provided in this section, such township or district fails to make and return to the auditor the annual enumeration of youth; 2. When the board of education, as provided in section 67, have failed to return to the auditor the "other statistics relative to schools under their charge, as required by this act of teachers, local directors, and boards of education in townships;" 3. When, as provided in section 24, the board of education have failed to make the necessary provisions for continuing the schools at least twenty-four weeks each year. If either of the first two conditions above indicated has not been complied with, the county auditor cannot legally draw an order on the county treasurer for the payment of any portion of the school fund to a local treasurer. If the third condition is not complied with, the funds arising from the State tax only are to be withheld. Section 52 makes it the duty of

Where part of
section sixteen
lies in two
counties.

SEC. XXXVIII. When any original surveyed township in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of the county in which that portion of said township lies containing said section sixteen,* the enumeration of the scholars in that part of said township embraced within their respective counties; and the auditor of said county in which said section sixteen is situate shall apportion the fund derived from said section sixteen to the different portions of said township, according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situate in their respective counties, and draw an order in favor of the treasurers of the other counties on the treasurer of his own county for the amount going to each; and the auditors of the respective counties shall apportion the same, in their respective counties, to such portions or parts thereof as may be entitled thereto.

Interest on
section.

SEC. XXXIX. The interest on the purchase of any such section sixteen belonging to any such original surveyed township so as aforesaid lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the preceding section.

* See section 4 of an act to establish a fund for the support of common schools, passed March 2, 1831; chapter V.

the school commissioner to see that the school funds are distributed according to law.

112. CERTIFICATE OF APPORTIONMENT.—The law does not require the county auditor to apportion the funds arising from the State school tax, or from the sale or rents of section sixteen, or other school lands, among the sub-districts of the several townships, but such apportionment would be of very great assistance to township officers. A certificate of apportionment should be given in all cases, the different funds being plainly designated. By section 16, *all* school funds belonging to joint sub-districts, should be designated in the auditor's certificate or copy of apportionment.

113. SUPERVISION OF SCHOOL FUNDS.—The county auditor is intrusted by law with the supervision of the school funds of his county, and as such may refuse to credit treasurers with orders believed to have been illegally paid. See Opin. 88.

Sections XXXVIII and XXXIX.

114. ENUMERATION.—When an original surveyed township lies

AUDITOR TO REPORT TO STATE COMMISSIONER.

[As amended March 18, 1864. 61 Stat. 33, Sec. 5.]

SEC. XL. The auditor of each and every county shall, on or before the fifth day of November, annually, make out and transmit to the commissioner of common schools, at Columbus, an abstract of all the returns of school statistics made to him from the several townships in his county, according to the form that may be prescribed by the state commissioner; and he shall cause to be distributed all such circulars, blanks and other papers, including school laws and documents, in the several townships in the county, as said commissioner shall lawfully require; in case the county auditor should fail, from any cause, to make return of the abstract as aforesaid, it shall be the duty of the county commissioners to deduct, for every such failure, from the annual salary or allowance made to the auditor for his services, the sum of fifty dollars; and in case the township clerk, or the clerk of the board of education of any city, town, or special school district, shall fail to make the annual returns of school statistics to county auditors required by this act, and which it is the duty of said clerk to make, it shall be the duty of the township trustees, town or city council, or other local officers having authority in the premises, to deduct, for every such failure,

Annual abstract.

To distribute laws and documents.

Penalty against township clerks and clerks of boards.

in two or more counties, the auditors of the respective counties must return the enumeration of youth in the part of such township lying within their respective counties to the auditor of the county in which section sixteen, belonging to such original surveyed township, is situated. The Auditor of State distributes all funds derived from section sixteen to the county in which such section sixteen is situated, to be, by the auditor of such county, apportioned to the parts of the original surveyed township, according to the enumeration of youth therein. See section 4 of an act passed March 2, 1831; chapter V.

Sections XL.—XLIII.

115. ABSTRACT OF SCHOOL RETURNS.—Clerks and treasurers are required by law to make full and complete returns of school statistics to the county auditor, and, in case of neglect or failure, it is the duty of the auditor to enforce the penalties provided by law. The auditor is required, not only to make an abstract of such returns as may be made to him, but to use all legal means to secure complete returns. In case the auditor fails to make an acceptable abstract to the State Commissioner, the penalty provided in section 40 may be enforced by the county commissioners.

Auditor to ap-
point a person
to prepare re-
port.

Compensa-
tion to county
auditor.

Liability of
township clerk and
county auditor
for loss.

from the annual salary or allowance made to said clerk for his services, the sum of twenty-five dollars; and he shall, moreover, be liable to pay a fine not exceeding twenty-five dollars on complaint of the county auditor or of the board of education, to be recovered in a civil action in the name of the state of Ohio, and when collected to be applied to the use of common schools in the proper township or district. And in case of the neglect or failure of the township clerk, or of the clerk of the board of education of any school district, to make the reports as contemplated in this section, by the time specified, then and in that case the county auditor shall appoint some suitable person, resident of the township or school district, to make such report, who shall receive his compensation in the same manner for said service as is allowed to those officers by law, for like services.

SEC. XLI. The county commissioners of each county in this state shall make the same allowance to the county auditors, out of their respective county treasuries, for services performed and expenses incurred under this act, as is allowed for other services of like nature.

SEC. XLII. The township clerks and county auditors shall be responsible for all losses sustained by any township or county, by reason of any failure on their respective parts to make and return the enumerations and abstracts thereof as herein provided, and shall each be liable for the same, in a civil action, at the suit of the state of Ohio; and the amounts so recovered shall be apportioned, in the same manner as the school funds would have been, to the respective counties or townships, as the case may be.

SCHOOL-HOUSES EXEMPT FROM SALE ON EXECUTION.

SEC. XLIII. Each and every lot or parcel of land

116. APPOINTMENT OF PERSON TO PREPARE REPORT.—When, in accordance with the last clause of this section, the county auditor appoints a competent person to make school returns instead of the township clerk, such person so appointed is entitled to compensation for said service, and the township trustees should not refuse to allow the same.

117. COMPENSATION OF AUDITOR.—So much of section 42 as relates to the compensation of auditors, was, in effect, repealed by "an act prescribing the fees of county auditors," passed May 1, 1862. The auditor is entitled to receive for his services the compensation provided for in said act, as amended April 12, 1865, "and no more." This opinion is in accordance with the decision of the courts.

which heretofore has been, or hereafter shall be, appropriated for the use of common schools in this state, on which there has been or shall be a school-house erected, and which has been or shall be occupied for the purpose of accommodating a common school, of whatever grade, in the usual manner, from time to time, howsoever or by whomsoever the legal title to the same may be held and vested, shall be and the same is hereby exempted from sale, on any execution, or other writ, or order in the nature of an execution: Provided, that the lot of land so exempted shall not exceed four acres, and if there be any excess, that portion most convenient for school purposes shall remain exempt as aforesaid, to be determined by the proper school directors, or other officers having charge of schools.

What school property exempt from execution.

COUNTY SCHOOL EXAMINERS.

[As amended March 18, 1864. 61 Stat. 34, Sec. 6.]

SEC. XLIV. It shall be the duty of the probate judge, in the several counties of this state, as soon after the election of school officers, under the provisions of this act, as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, who shall hold their office for the term of two years, and until their successors are appointed: Provided the said probate judge may at any time revoke the ap-

Appointment of examiners.

Appointment of examiner may be revoked.

118. LIABILITY OF CLERK AND AUDITOR.—Sections 37 and 67 both forbid the apportionment of school funds to townships which fail to make the annual returns of enumeration. When the failure is on the part of the clerk, said clerk is liable; and when it is due to the auditor, he is liable. See section 42.

Section XLIV.

119. LEGAL QUALIFICATIONS OF A SCHOOL EXAMINER.—An examiner must be an *elector* of the county in which he is appointed. Art. XV, Sec. 4, of the Constitution of the State provides that “no person shall be elected or appointed to any office in this State unless he possesses the qualifications of an *elector*.” Since a woman is not an elector (Art. V, Sec. 1) she can not be appointed to the office of examiner. The persons appointed must be “*competent*” to examine teachers and decide respecting their qualifications.

120. OATH OF OFFICE.—Art. XV, Sec. 7, of the Constitution provides that “every person chosen or appointed to *any* office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.” The Supreme Court

pointment of any school examiner, upon evidence being filed with him, that said examiner is guilty of immorality of conduct, or habitual neglect of duty; and said probate judge shall forthwith give said examiner written notice of his action, setting forth in said notice the reasons therefor; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge; and it shall be the duty of the probate judge, within ten days after the appointment of school examiners, to report the names and residence of the appointees to the state commissioner of common schools.

Vacancies,
how filled.

Appointees to
be reported to
state commis-
sioner.

has decided that officers should take the oath required by the Constitution whether the law under which they hold office prescribes this duty or not. The State of Ohio *vs.* Kennon, *et al.*, 7 O. S. R., 558. School examiners should file in the office of the appointing judge a certificate showing that they have taken the official oath required by the Constitution. In case the constitutional oath is not taken by an examiner, his appointment may be revoked.

121. REMOVAL OF EXAMINERS.—A judge of probate can remove a school examiner from office only for one or both of the causes specified in the law. Although every action is immoral which is inconsistent with moral rectitude or contrary to the moral or divine law, the phrase, "immorality of conduct," refers more specially to such immoral practices as profanity, gambling, intemperance, licentiousness, etc. A single act of gross immorality or of crime is, however, a sufficient cause for the removal of an examiner. No immoral person should ever be appointed a school examiner.

An examiner can not be removed from office for mistakes in duty. He alone is to decide whether he can certify that an applicant for a certificate is qualified to teach, and for such decision he can not be removed from office. His neglect of duty must also be "habitual," before he can be removed. An examiner may be removed for repeated absence from the meetings of the board.

122. VACANCIES FILLED FOR FULL TERM.—When a school examiner vacates his office by resignation, refusal to serve, removal out of the county, or otherwise, the vacancy is to be filled by appointment for the full term of two years, as when a vacancy occurs from expiration of term of office.

123. REPORT TO SCHOOL COMMISSIONER.—The failure of the probate judge to report the names and residences of appointees to the School Commissioner, does not render his appointments invalid. It is important, however, that the required report be promptly made.

[As amended March 18, 1864. 61 Stat. 34, Sec. 7.]

SEC. XLV. It shall be the duty of the examiners to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties as will, in their opinion, best accommodate the greatest number of candidates for examination, notice of all such meetings having been published in some newspaper of general circulation in their respective counties; and at such meetings, any two of said board shall be competent to examine applicants and grant certificates; and as a condition of examination, each male applicant for a cer-

Meetings of
board.

Section XLV.

124. MEETINGS OF BOARD.—Examiners can not legally examine applicants for certificates except at a *meeting* which has been duly advertised in some newspaper of general circulation in the county. *All private examinations are clearly illegal.* It is the manifest intention of the law that all examinations of teachers should take place at formal and public meetings of the board, and at such meetings at least *two examiners must be present.* When the work of examination can not be completed in one day, the board may adjourn to the next or a subsequent day, without publishing a notice of such adjourned session. The number of meetings held for the examination of teachers can not exceed eighteen in any one school year.

125. EXAMINATION FEE.—By section 3 of an act passed March 28, 1865, each female applicant for a certificate is required to pay a fee of *fifty* cents instead of thirty-five cents, as provided in this section. Each applicant, male or female, for a certificate, whether previously rejected or not, must pay a fee of fifty cents as a *condition* of examination. If the fee is not collected, the examiners are individually and jointly liable for the same. A second trial, granted on an applicant's solicitation, or to afford him time to review certain studies, must be regarded as a new application, and the fee collected accordingly.

Local boards of examiners in cities and towns, organized as to schools under special laws, are not authorized or required to charge applicants for certificates a fee.

126. QUARTERLY RETURNS TO COUNTY TREASURER.—The money paid over quarterly to the county treasurer must include "*all the money received by the examiners on said fees,*" and not what remains after paying for revenue stamps and traveling expenses. The cost of revenue stamps and the examiners' traveling expenses can be paid only "*on the order of the county auditor.*" By section 3 of an act passed March 28, 1865, (see page 68) orders for the payment of

Fees of applicants for teacher's certificate.
 —The same to be paid over to county treasurer.

Fund for teachers' institutes.

Number of meetings held by board.

tificate shall pay the board of examiners a fee of fifty cents, and each female applicant a fee of thirty-five cents [*fifty cents**]; and all the money received by the examiners on said fees, shall be paid over quarterly to the county treasurer, with a statement of the number of applicants, male and female, examined; and all money so paid over to the county treasurer by the board of examiners, shall, after paying, on the order of the county auditor, the necessary traveling expenses of said examiners, and the cost of revenue stamps for certificates,* be set apart as a fund for the support of teachers' institutes, as hereafter provided in this act, and shall be used for no other purpose: Provided, that the number of meetings held by said board of examiners for the examination of teachers, shall not, in any one year, exceed eighteen. No certificate of

*An Act to amend an act entitled "an act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, and the acts amendatory thereto.

[*Passed March 28, 1865. 62 vol. Stat. 64.*]

SEC. 3. That the orders drawn by county auditors for the payment of the necessary traveling expenses of county boards of school examiners and the cost of revenue stamps for certificates, as provided in section forty-five of the act to which this act is amendatory, as amended by section seven of an act passed March 18, 1864, shall in no one quarter exceed one-third of the amount of money collected and paid over by said board as examination fees; and the fee paid by each female applicant for a certificate, shall be fifty cents instead of thirty-five cents, as provided in the section aforesaid.

traveling expenses and revenue stamps can in no one quarter exceed *one-third* of the amount of fees collected during said quarter, thus leaving at least *two-thirds* of the amount of fees collected for the support of teachers' institutes. No portion of the money arising from examination fees can be used to pay examiners for their services or for any other than the three purposes specified in the law. The first quarter of the school year ends the last day of November; the second, the last day of February; the third, the last day of May; and the fourth, the last day of August.

127. LIABILITY OF EXAMINERS.—County examiners are jointly and individually liable for all fees not paid over quarterly to the county treasurer as the law provides. In the absence of any rules of the board to the contrary, it is the duty of the clerk or secretary of the board to receive the fees collected and pay over the same quarterly to the county treasurer. The fact that the payment of the money must be accompanied with a statement of the number of applicants, male and female, examined, shows that it is the clerk's duty to make such returns. To avoid all misunderstanding, however, the clerk should also be appointed treasurer and instructed to make the quarterly return and payments. In case the examiners fail to pay over quarterly to the county treasurer all moneys collected as examination

qualification shall be valid in any county except that in which the examination took place, nor for a longer period than two years, nor for a less period than six months; and if at any time the recipient of the certificate shall be found incompetent or negligent, the examiners, or any two of them, may revoke the same, and require such teacher to be dismissed; but such teacher shall be entitled to receive payment for services only up to the time of such dismissal; and no person shall be employed as a teacher in any primary common school, unless such person shall have first obtained from said examiners, or any two of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography, English grammar, and possesses an adequate knowledge of the theory and practice

No certificate to be given valid for less than six months.

Requirements for a certificate.

fees, it is the duty of the county auditor to collect the same. Section 37. If the clerk or any other member of the board appointed to collect and pay over such fees fails to discharge such duty, such failure would justify the probate judge in removing such negligent examiner from office.

128. NECESSARY TRAVELING EXPENSES.—By the “necessary traveling expenses” of examiners is meant the amount of money *actually* and *necessarily* paid out by them in going to and from the places of meeting for the examination of teachers. When hotel expenses are necessarily incurred, they may also be included. See Opin. 126.

129. REVENUE STAMPS.—By an act of Congress a teacher’s certificate of qualification must bear a five-cent revenue stamp. The copy of a certificate, filed instead of the original, need not be stamped, but it should show that the original bears the requisite stamp.

130. REVOCATION OF CERTIFICATE.—The power to revoke a certificate when the recipient is found incompetent or negligent, is not restricted to the persons who issued such certificate. The evident intention of the law is to guard schools, at *all* times, against unworthy teachers, and, to this end, the power to revoke a certificate is vested in the *office* of the examiners, and may, at any time, be exercised by the incumbents. Since “a good moral character” is a legal condition of competency in the teacher, whenever the holder of a certificate is found guilty of immoral conduct such certificate may be revoked. Such immoral practices as profanity, gaming, intemperance, lewdness, etc., utterly disqualify a person for the duties of a teacher. Inability to govern a school, when marked and well established, may also be regarded a sufficient cause for withholding or revoking a teacher’s certificate.

131. REQUISITES FOR A CERTIFICATE.—No person is entitled to

Certificates
issued by local
board must be
given for a de-
finite time.

of teaching; and in case such person intends to teach in any common school of higher grade, he or she shall first obtain a certificate of the requisite qualifications, in addition to the branches aforesaid; and no certificate issued by county examiners, or by the local board of examiners in any city or town of the state, organized and governed by the provisions of this act, or any other act, shall be valid, unless such certificate contain a statement of the time during which it shall be valid; and it shall be unlawful for any board of education, clerk, or recorder of any city, town or township of the state, to draw an order on the treasurer for the payment of a teacher for services,

a certificate if he does not possess the following qualifications: 1. A good moral character. 2. The ability to teach in the English language *all* the branches of study named in the law. 3. An adequate knowledge of the theory and practice of teaching. The examiners must certify that the recipient of a certificate possesses *each* of these qualifications. The omission of either in a certificate renders such certificate invalid. Persons intending to teach branches of study in addition to the common English branches, must obtain a certificate that they are qualified to teach such additional branches.

132. EMPLOYMENT OF TEACHERS.—No person can be legally employed as a teacher in any common school of any grade or class unless such person possesses a legal certificate of qualification. This provision includes assistant teachers, teachers employed as substitutes, teachers of special branches, as music, writing, etc.—in short, teachers employed in any capacity, whether paid directly from the school funds or through another teacher, whether employed by the board of education or directors, or by the principal or other teacher. No portion of the school fund can be used to pay an uncertificated teacher, either directly or indirectly. In case boards of education or local directors employ any person as a teacher who has not a valid certificate, knowing this to be the fact, such boards or directors, as the case may be, become personally liable for the wages of such uncertificated teacher.

133. ANTEDATING OF CERTIFICATES.—Except in very *extreme* cases, no certificate should be antedated. The practice encourages teachers to run the risk of a failure on examination, countenances the illegal practice of employing uncertificated teachers by school directors, and greatly embarrasses the examiners in a conscientious and faithful discharge of their duties. If directors permit teachers to enter upon their duties without a certificate, they are responsible for the payment of such teacher's wages up to the time of their obtaining a certificate.

unless said teacher shall have first filed with said board of education, clerk, or recorder, a legal certificate of qualification, or a true copy thereof, covering the entire time of the services for the payment of which such order is drawn.

[As amended March 18, 1864. 61 Stat. 35, Sec. 8.]

SEC. XLVI. The said board of examiners shall appoint one of their number to serve as clerk, who shall keep a record of their proceedings, noting the number and date of each certificate given, to whom, for what term of time, for what branches of studies; and said board may make all needful rules and regulations for the

Clerk of
board.

134. LENGTH OF TIME A CERTIFICATE MAY BE VALID.—County school examiners acting under the general school law, and local examiners in cities and villages organized as to schools under the “Akron Law,” can not issue a certificate valid for more than two years or less than six months. Section 45; also act of March 19, 1860. The act for the better regulation of the public schools in cities, towns, etc. (known as the “Law of 1849”), contains no provision respecting the length of time for which certificates, issued under said law, shall be made valid; but, by section 45 of the general school law, such certificates must be limited as to the time of their validity; and since, by sections 45 and 67, local examiners in cities organized as to schools under the aforesaid law (or any special law), are required to make reports to the School Commissioner “similar” to those required of county examiners, it is questionable whether such local examiners can legally issue certificates valid *for more than two years*. County examiners and local examiners acting under the “Akron Law,” or the “Law of 1849,” are hereby instructed to issue not exceeding four grades of certificates, valid respectively for six, twelve, eighteen, and twenty-four months.

135. ORDERS FOR TEACHERS’ PAY.—The last clause of this section applies to *every school district in the State*, whether organized under general or special laws. No teacher can be employed or continued, in any capacity, in any public school of the State, unless such teacher holds a valid certificate. In case an order is drawn for the payment of a teacher for services not covered by a legal certificate, the clerk or other school officer drawing such illegal order, is personally liable for the money thus illegally paid out of the school funds. See Opin. 132.

Section XLVI.

136. RULES AND REGULATIONS.—By section 53, it is made the duty of the State Commissioner to “prescribe suitable forms and

Examiners
allowed two
dollars a day.

Examiners'
annual report
to school com-
missioner.

proper discharge of their duties. The members of the board shall be entitled to receive each two dollars for every day necessarily engaged in official service, to be paid out of the county treasury, on the order of the county auditor, exclusive of blank books and stationery, which the county auditor shall furnish; and the county auditor may require the accounts, when presented, to be substantiated on oath, which said officer may administer and file in his office. It shall be the duty of the clerk of said board of examiners to prepare and forward to the state commissioner of common schools, on or before the first day of October, a statement of the number of examinations held by the board, the number of applicants examined, the number of certificates granted and for what length of time, the amount of fees received and paid over to the county treasurer, the amount received of the county by the board for their services, and such other important statistics and information in relation to their duties as the commissioner of common schools may require. In case the clerk shall fail to make such annual

regulations for making all reports and conducting all necessary proceedings under this act," and to transmit the same "to local school officers, *who shall be governed in accordance therewith.*" It is plain, from this provision, that the rules and regulations adopted by examiners for their guidance, must be in accordance with the legal instructions of the State Commissioner. The forms prescribed by the Commissioner for teachers' certificates, and for keeping a record of the proceedings of boards of examiners, will produce a desirable uniformity in the several counties of the State.

137. COMPENSATION OF COUNTY EXAMINERS.—The necessary official service of examiners, for which they are entitled to pay, is three-fold :

1. The examination of applicants to determine their moral character, their scholarship, and their professional knowledge and skill. This duty must be performed at regular meetings of the board, which have been duly noticed in the county paper. If the work of examination be not completed on the first day of the meeting, the board may adjourn to the next or a subsequent day—such regular and adjourned sessions constituting but *one* meeting of the board. For each day's service thus necessarily performed, examiners are entitled to a compensation of two dollars each. If an examiner is absent from any session of the board, he is not entitled to pay for the same.

2. The granting of certificates, which may occur at the adjourned session of a meeting, if the examination of applicants should occupy

statement, it shall be the duty of the county auditor to deduct from his annual allowance or compensation for his services, the sum of fifteen dollars. It shall further be the duty of the local board of examiners, in any city or town, to make annually, to the commissioner of schools, such a statement of their proceedings as is required of county examiners by the provisions of this section.

Penalty
against clerk
of board.

Report re-
quired of local
examiners.

STATE COMMISSIONER OF COMMON SCHOOLS.

SEC. XLVII. There shall be elected by the qualified electors of this state, at the next annual election for state and county officers, and every three years thereafter, a state commissioner of common schools, who shall hold his office for the term of three years, and until his successor is elected and qualified. The election of said commissioner, and the returns thereof, shall be the same, in all respects, as is provided for the election of judges of the supreme court; and in case a vacancy shall happen in said office by death, resignation, or otherwise, the governor shall fill the same by appointment, for the unexpired term.

When com-
missioner
elected.

Term of office.

Vacancy, how
filled.

all of the first day. When applicants are required to hand in written answers to questions, the papers may be examined, if necessary, at the adjourned session. For services thus rendered, examiners are entitled to compensation at the *rate* of two dollars a day.

3. The recording of the proceedings and the preparation of all reports required by law, which is made the duty of the clerk, and for the performance of which he is entitled to compensation at the rate of two dollars a day for all time actually and necessarily employed. The clerk should keep an accurate record of the amount of official service performed by each examiner; and all bills presented to the county auditor for the payment of such service, should be duly certified by the clerk.

138. LOCAL OR CITY EXAMINERS.—Local boards of examiners in cities and towns may be allowed a compensation for their services by the board of education, if there be no provision to the contrary in the special law under which the schools are organized and conducted. They can not, however, claim such compensation as a legal right. Local examiners may require applicants to furnish the necessary revenue stamps for certificates.

Sections XLVII—LVIII.

138. DUTIES OF THE COMMISSIONER.—The faithful performance of the duties enjoined upon the Commissioner in these sections, is essential to the efficiency and highest success of the school system

His official
bond

—and oath.

Office, etc., at
seat of gov-
ernment.

His secretary.

His duties in
visiting the
several judi-
cial districts.

SEC. XLVIII. Before entering upon the discharge of his official duties, the said commissioner shall give bond, in the penal sum of ten thousand dollars, to the state of Ohio, with two or more sureties, to the acceptance of the secretary of state, conditioned that he will truly account for and apply all moneys, or other property, which may come into his hands in his official capacity, for the use and benefit of common schools, and that he will faithfully perform the duties enjoined upon him according to law; and he shall also take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Ohio, and diligently and faithfully to discharge the duties of his office, as prescribed by law, which bond, with the certificate of his oath indorsed thereon, shall be filed with the treasurer of state.

SEC. XLIX. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the state, at which he shall give attendance when not absent on public business; [and the state librarian shall, in addition to the duties of his office, discharge the duties of secretary to the commissioner of common schools, under his direction*]

SEC. L. It shall be the duty of the commissioner to spend, annually, on an average, at least ten days in each judicial district of the state, superintending and encouraging teachers' institutes, conferring with township boards of education, or other school officers, counseling teachers, visiting schools, and delivering lectures on topics calculated to subserve the interests of popular education.

SEC. LI. As soon as the revenues, to be raised as herein-after provided, for the purpose of furnishing the schools with libraries and apparatus, will admit, it shall be the

* The clause enclosed in brackets, was, in effect, repealed, March 24, 1860.

of the State. Many school officers and teachers, owing to frequent changes and other causes, have a very imperfect acquaintance with the provisions of the school law, and, consequently, of their duties under it. School funds are liable to be misapplied and wasted. On every hand, in brief, the direction and oversight which the Commissioner may exert, by a wise and faithful discharge of his official duties, are constantly needed. He reaches every school district in the State, and, by his quickening and directing influence, adds vitality and efficiency to the whole system.

139. POWERS OF THE COMMISSIONER.—The Commissioner has clearly supervisory authority over all school officers, with full power to require of them such information respecting official proceedings, the management of schools, school funds, &c., as he may deem im-

duty of the said commissioner to purchase the same, and the books and apparatus so purchased shall be distributed through the auditor's office of each county to the board of education in each township, city, or incorporated village, according to the enumeration of scholars.

SEC. LII. He shall also exercise such supervision over the educational funds of the state as may be necessary to secure their safety, and right application, and distribution according to law. He shall have power to require of county auditors, township boards of education, or other local school officers, clerks and treasurers of townships, county treasurers and clerks, recorders and treasurers of cities and villages, copies of all reports by them required to be made, and all such other information in relation to the funds and condition of schools, and the management thereof, as he may deem important.

And in purchasing books and apparatus.

His supervision over school funds.

SEC. LIII. He shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance therewith.

May require reports from certain officers.

SEC. LIV. He shall cause as many copies of the laws relating to schools and teachers' institutes, with an appendix of appropriate forms and instructions for carrying into execution all such laws, to be printed in a separate volume, and distributed to each county with the laws, journals, and other documents for the use of the school officers therein, as often after the first distribution as any change in said laws may be made, of sufficient importance, in the opinion of the commissioner, to require a republication and distribution thereof.

To prepare forms, etc.

portant. He has power not only to prescribe suitable forms for reports, but also to prescribe regulations for "conducting all necessary proceedings under this act" (section 53), and for "carrying into execution *all* such laws," (section 54). He is the legal adviser and instructor of school officers and teachers; the adjuster of misunderstandings and difficulties; and the executive of the school laws of the State. His relation to the school system is not nominal but vital, and his powers and duties are, from year to year, being better understood and more widely recognized and valued.

140. COMMISSIONER'S ANNUAL REPORT.—Section 1 of an act passed April 13, 1865, provides for the printing of 14,000 copies of the school commissioner's annual report, "to be distributed by him to the school boards of education, special school boards, boards of school directors, and county officers who have duties to discharge under the school laws."

Duties as to
distribution of
school laws.

SEC. LV. It shall be the duty of said commissioner of common schools to make an annual report, on or before the twentieth day of January [*November**] in each and every year, to the general assembly, when the body shall be in session any such year; and when not in session in any one year, then the report shall be made to the governor, who shall cause the same to be published, and shall also communicate a copy thereof to the next general assembly.

His annual
report.

SEC. LVI. The state commissioner, in the annual report of his labors and observations, shall present a statement of the condition and amount of all funds and property appropriated to purposes of education; a statement of the number of common schools in the state, the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of private or select schools in the state, so far as the same can be ascertained, and the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of teachers' institutes, and the number of teachers attending them; a statement of the estimates and accounts of the expenditures of the public school funds of every description; a statement of plans for the management and improvement of common schools, and such other information relative to the educational interests of the state as he may think of importance.

What it shall
present.

[*As amended April 13, 1865. 62 Stat. 166.*]

Salary of
school com-
missioner.

SEC. LVII. The said commissioner shall be entitled to receive for his services the sum of two thousand dollars

* An Act providing for recording, printing, and distributing the journals of the General Assembly and the laws and public documents.

[*Passed April 8, 1856. 53 vol. Stat. 173.*]

SEC. 7. All state officers, and boards of officers, and the officers of all such institutions and buildings, as are now, or may hereafter be required to make annual reports to the general assembly, or to the governor, shall hereafter make such reports to the governor *on or before the twentieth day of November of each year*; and the governor shall cause the same to be printed as soon thereafter as practicable, by the printer having the contract for this branch of the public printing; and the governor shall lay before the general assembly all such reports, in printed form, at the same time that he lays before it his regular message. But nothing in this section, or in this act, shall be held to modify, in any respect, the existing laws in relation to the annual report of the state board of agriculture.

In accordance with this provision, a copy of the Commissioner's report will, hereafter, be sent annually to the clerk of each sub-district; to the clerk of each township; and to the clerk of each board of education in separate school districts,—the same to be filed and preserved as the property of the several sub-districts and school districts. This will greatly increase the efficiency of the office as a means of improving the schools of the State.

annually, payable quarterly, out of the state treasury, on the warrant of the auditor of state; provided, that nothing herein contained shall be construed or held to change the compensation provided for said officer by law at the time he went into office, but his compensation shall remain and be paid the same as if this act had not been passed.

SCHOOL LIBRARIES.

SEC. LVIII.* For the purpose of furnishing school libraries and apparatus to all the common schools in the state, and for the further purpose of sustaining and increasing such libraries, and keeping up a supply of school apparatus in the schools as aforesaid, from time to time, as may be considered necessary, in order to afford equal facilities to the said schools in this respect, as nearly as practicable, there shall hereafter be assessed, collected and paid annually, in the same manner as the state and county revenues are assessed, collected and paid, on the grand list of property taxable for state purposes, a state tax of one-tenth of one mill on the dollar valuation, to be applied exclusively for the purposes aforesaid, and the attendant expenses, under the direction of the commissioner of common schools. In purchasing the libraries

One-tenth of a mill to be assessed for libraries.

[Repealed.]

* An Act to repeal the school library tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the fifty-eighth section of the act of May 14, 1853, to provide for the reorganization, supervision and maintenance of common schools, so far as it relates to the assessment of taxes for the purpose of furnishing and increasing school libraries and apparatus, be and the same is hereby repealed.*

SEC. 2. This act shall take effect on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,

President of the Senate.

March 10, 1860.

Sections LVIII—LXII.

141. REPEAL OF LIBRARY TAX.—The State library tax was repealed March 10, 1860, and there is now no fund under the control of the School Commissioner that can be applied to the purchase of library books or apparatus for the schools of the State. Boards of education are, however, still accountable for the preservation of the books and apparatus hitherto supplied by the State, and they are forbidden to sell or alienate the same for any cause whatever.

142. PURCHASE OF NEW BOOKS AND APPARATUS.—By section 61, boards of education have full power to keep the original number of books in school libraries, by purchasing books to replace those that have been lost or destroyed. In thus replacing books, they are not obliged to purchase the same books, or books of the same value.

for the common schools, no books of sectarian or denominational character shall be purchased for said libraries.

Which is to be paid to state, treasurer.

SEC. LIX. The amount of said tax, when collected, shall be paid over by the county treasurers to the state treasurer, at the time of making their annual settlement, and shall be paid out by that officer for the purposes aforesaid, upon the warrant of the state auditor.

Distribution of books and apparatus.

SEC. LX. It shall be the duty of the county auditor, when the said libraries or apparatus shall be received, to distribute the same to the clerks of the township boards of education, or other local school officers, in their respective counties, having in charge the interests of common schools; and the books and apparatus so furnished, shall be deemed the property of said several boards, or local school officers, to whom the same may have been delivered, and shall not be subject to execution, sale or alienation, for any cause whatever.

[As amended March 18, 1864. 61 Stat. 35, Sec. 9.]

Central township libraries.

Distribution of books to sub-districts.

SEC. LXI. The local boards of education, or other school officers having charge of common schools, are hereby authorized and required, in order to secure the preservation of said books, to collect and consolidate them into one central library, and to provide for the same a suitable book-case, with lock and key, and to make all other arrangements necessary for the safe-keeping of the books: Provided, that when the people of the sub-districts desire a distribution of the books to said sub-districts, and responsible persons therein are willing to act as librarians, a portion of the books in the central or township library may be divided and distributed to said sub-districts; but the books so distributed shall be returned to

The intention of the law is to secure a preservation of the libraries of the State, through the action of the local school authorities. Books of a denominational or sectarian character can not be purchased.

143. CONSOLIDATION OF SUB-DISTRICT LIBRARIES.—By section 61, it is made the duty of boards of education to collect and consolidate the library books under their control into one central library. Each family of the township or district is entitled still to the use of the books, and the library *must be kept open at stated periods throughout the year*. A township librarian should be appointed; and when the books are distributed to any sub-district, a librarian resident therein should be appointed to receive and take care of the same.

144. REPORT TO AUDITOR.—By section 19, it is made the duty of boards of education to report to the county auditor, annually, the number and condition of the books in the school library under their control.

the central library within six months thereafter, when another division and distribution of the books may be made. The township or local boards of education shall have power to keep said libraries in good condition, with the original number of books; to prescribe the time of taking and the period of returning the books to the libraries, and also to assess and collect the damages which may be done to the books by persons entitled to their use, and also to provide for the safe-keeping of the school apparatus; and said boards of education shall be held accountable for the preservation of the libraries and apparatus committed to their care and keeping.

Libraries to be kept in good condition.

Board accountable for their preservation.

SEC. LXII. It shall be the duty of the local school boards, or other school officers having charge of schools, to appoint the librarians and determine the places where the libraries shall be deposited, selecting such central points as will best accommodate the schools and families of the districts or sub-districts, as hereinafter provided; and every family in each district or sub-district shall be entitled to the use of one volume at a time from the school library, although no member of such family attends any of the schools of the township; and the library shall be open, under the inspection of the librarian, at stated periods throughout the year, to be prescribed by the board of education, or other proper school officers, without regard to the sessions of the schools.

Who to appoint librarian, etc.

Families entitled to books.

STATE COMMON SCHOOL FUND.

[As amended May 1, 1854.]

SEC. LXIII. For the purpose of affording the advantages of a free education to all the youth of this state, the state common school fund shall hereafter consist of such sum as will be produced by the annual levy and assess-

One and a half mills on the dollar to be assessed for school pur

Section LXIII.

145. STATE SCHOOL TAX.—By section 1 of an act prescribing the rates of taxation, passed April 30, 1862, and amended March 25, 1864, (see page 80) the State levy for the support of common schools was reduced to *one mill and three-tenths*. The fund arising from this levy is called the "State Common School Fund." The State levy was originally fixed at two mills, but was reduced in 1854 to one mill and a half, and again in 1860 to one mill and four-tenths.

146. IRREDUCIBLE SCHOOL FUND.—There is also a common school fund arising from the interest on the Virginia Military, United States Military or Western Reserve School Funds, and from rent of or the interest on the proceeds of the sale of "Section Sixteen." By an act passed March 2, 1831, all funds arising from the sale of lands

poses, and collected and distributed.

ment of one and a half mill [*one mill and three-tenths**] upon the dollar valuation, on the grand list of the taxable property of the state; and there is hereby levied and assessed annually, in addition to the revenues required for general purposes, the said one and a half mill upon the dollar valuation, as aforesaid; and the amount so levied and assessed, shall be collected in the same manner as other state taxes, and when collected, shall be annually distributed to the several counties of the state, in proportion to the enumeration of scholars, and be applied exclusively to the support of common schools.

ESTIMATES FOR DEBTS.

[*As amended Feb. 18, 1859. 56 Stat. 23*]

Action therefor.

Judgment against school board, how to be paid.

SEC. LXIV. The debts which have heretofore been contracted by any school district for school purposes shall be provided for by the estimate of the proper school boards created under the provisions of this act, and action may be brought against such boards to recover the same. When any judgment shall be obtained against any such school board, it shall be the duty of said board to make an estimate for the district or sub-district, as said board

*An act to amend "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 3, 1862. and the sixth section of the act entitled "an act to provide for the defense of the state, and for the support of the federal government against rebellion," passed April 18, 1861.

[*Passed March 25, 1864. 61 vol. Stat. 61.*]

Be it enacted by the General Assembly of the State of Ohio, That section one of the act entitled "an act prescribing the rates of taxation for state, county, township, city, and other purposes," passed April 30, 1862, be so amended as to read as follows:

Rates of taxes to be levied

—for state government.

—for sinking fund.

Sec. 1. That hereafter there shall be levied annually, for state purposes, on each dollar of taxable property in this state, as valued and entered on the grand list of taxable property in each year, taxes at the rates herein specified, in lieu of the taxes heretofore authorized by law to be levied, namely: For the ordinary expenses of the state government, including the expenses of the benevolent institutions, and other charges on the general revenue, one mill; for the sinking fund, applicable to the payment of the interest on the state debt, and the gradual reduction of the principal thereof, nine-tenths of one mill, exclusive of and in addition to the levy for the principal and interest of the "Union Loan;" and for the support of the common schools in the state *one mill and three-tenths.*

appropriated by Congress, and paid into the State treasury, were made an irreducible fund, bearing an annual interest of six per centum. These funds now constitute a capital of \$3,163,578; Chapter V. The apportionment and disbursement of the interest on these funds are made in accordance with sections 24, 37, 38 and 39.

Section LXIV.

147. SUB-DISTRICT TAX.—No sub-district tax can be levied for any purpose whatever, except to satisfy a judgment as provided in this section; and it is questionable whether a sub-district tax can be

may deem equitable, of the amount required to satisfy such judgment, with interest and costs. Said amount so estimated shall be certified to the county auditor, shall be assessed by him upon the district or sub-district, as the case may be, and shall be collected and paid out in the same manner as other school taxes, upon the order of the clerk of said board upon the township treasurer, to satisfy the judgment aforesaid.

SEC. LXV. The process, in all suits against any township board of education, or other local officers having charge of any of the public schools under the provisions of this act, shall be by summons, and shall be executed by leaving a copy thereof with the clerk or secretary of such board, or other school officers, at least ten days before the return day thereof. And any suit either in favor of or against any such board, or other school officers, shall be prosecuted or defended, as the case may be, by the prosecuting attorney of the proper county, as a part of his official duties.

Process
against school
officers.

Duty of prosecuting attorney.

ADOPTION OF GENERAL SCHOOL LAW.

SEC. LXVI. The local board of education, or other local officers having charge of schools in any city, township or village, in which common schools have been organized under the act for the better regulation of public schools in cities, towns, etc., or under any special act, shall be, and are hereby authorized, whenever they may deem it expedient, to call a meeting of the qualified voters of any such city, township or village, on giving thirty days public notice thereof, to determine by vote whether the common schools of such city, township, or

How schools
governed under
other laws
may accept
this act.

levied under this section except to satisfy a judgment obtained to liquidate a debt contracted previous to the repeal of section 23, (April 30, 1862.) It is the opinion of some that a tax may be levied under this section upon a sub-district to pay the costs of a suit brought against said sub-district for the dismissal of a teacher for "frivolous or insufficient reason." See Opin. 18; also Supp. sec. 9.

Section LXV.

148. PROSECUTING ATTORNEY.—The prosecuting attorney is by this section made the legal counsel of school officers.

Section LXVI.

149. ADOPTION OF GENERAL SCHOOL LAW.—By section 32, every city or incorporated village, not organized as to schools by laws specified in section 67, and containing, with the territory annexed, not less than three hundred inhabitants, is created a separate school

Board may
be elected or
appointed.

village shall be conducted and managed in accordance with the provisions of this act; and if a majority of the voters are found to be in favor of the change, then said local board, or other local school officers, shall thereafter proceed, in accordance with the provisions of this act, until their successors shall be elected and qualified; and such city or village may provide by ordinance for the election or appointment of a board of education, prescribing their number and term of office; and such board, when so elected or appointed and qualified, shall, together with the clerk or recorder of such city or village, possess the same powers and discharge the same duties, within the limits of their jurisdiction, as local directors and boards of education in townships.

district under this act. By this section (66) any city, township or village organized as to schools by either of the laws specified in section 67, may adopt the general school law by submitting the question to the qualified voters resident therein. In case the council of a city or village adopting this act do not "provide by ordinance for the election or appointment of a board of education, prescribing their number and term of office," such board of education will consist of three persons, to be elected as prescribed in section 32; but at any time the number and term of office of the members of such board of education may be changed by ordinance, as provided in this section.

150. ADOPTION OF "SCHOOL LAW OF 1849."—Any city or incorporated village, not organized as to schools under the "Akron School Law," or other special law, and containing, with the territory annexed, *two hundred* inhabitants or more, may adopt the "act for the better regulation of public schools in cities and towns, etc., popularly known as the 'School Law of 1849,' in the manner prescribed in said act. Chapter III.

By an act, passed March 13, 1850 (Chapter III), any sub-district, containing not less than *five hundred* inhabitants, whether or not such sub-district contains an incorporated village, may organize as a separate school district under the provisions of the aforesaid act.

151. ADOPTION OF AKRON SCHOOL LAW.—By section 1 of an act passed February 14, 1848 (Chapter III), *any* city or incorporated village may have the provisions of the act entitled "an act for the support and better regulation of common schools in the town of Akron" (Chapter IV), extended to it whenever two-thirds of the qualified voters thereof shall petition the town or city council in favor of having the provisions of said act so extended. The enactment of the general school law did not repeal this provision. See section 67.

SPECIAL SCHOOL LAWS.

SEC. LXVII. This act shall not be so construed as to repeal, change, or modify in any respect, the several provisions of the "act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, and the acts amendatory thereto; or the "act for the better regulation of schools in cities, towns, etc.," passed February 21, 1849, and the acts amendatory thereto, nor the several acts creating special school districts, or any other special acts in relation to schools, except that it is hereby made the duty of the several boards of education, or other school officers acting under the provision of any of the acts to which reference has been made in this section, to make similar reports of school statistics annually, as required of school officers

Certain acts
not repealed
by this act.

But such acts
affected, and
how.

Section LXVII.

152. SPECIAL SCHOOL DISTRICTS.—All of the provisions of this act, which do not repeal, change or modify in any respect, the several provisions of the acts specified in this section, and the acts amendatory thereto, do apply (so far as in the nature of the case they may be applicable) to all school districts of the state, whether organized under general or special laws. The duties and powers of the state commissioner of common schools extend alike to all districts, and his instructions are equally binding on all school officers. The following sections apply in whole or in part to every school district of the state: Sections 8, 9, 15, 17, 18, 19, 22 (in part), 24 (in part), 31, 36, 37, 38, 39, 42, 43, 52, 53, 54, 60, 61, 62, 64, 65, 66, 67, and 68; and supplemental sections.

153. REPORTS OF SCHOOL STATISTICS.—By section 52, the state commissioner is authorized to require of all school officers such "information in relation to the funds and condition of schools, and the management thereof, as he may deem important;" and by this section it is more specially provided that school officers acting under the provisions of special acts, shall make "similar reports of school statistics annually, as [is] required of school officers by this act."

154. FORFEITURE OF SCHOOL FUNDS.—County auditors are, by this section, positively forbidden to draw an order for the distribution of any portion of the school fund to any school district, whether organized under general or special law, unless the proper school officers of such district shall have deposited with said auditor, an abstract of the enumeration of scholars and *other statistics relative to the schools under their charge*, as required by this act (sections 8, 18, 19, and 52) of teachers, local directors, and boards of education in townships.

Forfeiture of school funds; on what condition.

by this act; nor shall it be lawful for any county treasurer to pay over any portion of the school fund to any local treasurer, board of education, or other school officer of any city, township, or village, organized as to schools either under a general or a special law, except on the order of the auditor of the proper county; and no such order shall be drawn by the county auditor, unless the local treasurer, clerk, recorder, or secretary of such board, or other school officer, shall first deposit with said auditor annually, an abstract of the enumeration of scholars and other statistics relative to the schools under their charge, as required by this act, of teachers, local directors, and boards of education in townships.

Power of board to receive grants or donations.

SEC. LXVIII. The respective township boards of education, and their successors in office, shall have power to take and hold in trust, for the use and benefit of any central or high school, or sub-district school in the township, any grant or devise of land, and any donation or bequest of money or other personal property, to be applied by the board to the maintenance and support of any such school or schools, according to the intention of the grant or donation.

ACTS REPEALED.

Repealing section.

SEC. LXIX. That "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight; an act to

By section 52, the state commissioner is required to exercise such supervision over the educational funds of the state as may be necessary to secure their safety and *right application, and distribution according to law*. See also section 37.

155. TEACHER'S RIGHT TO INFLICT CORPORAL PUNISHMENT.—The question as to the right of a teacher to inflict corporal punishment upon scholars, has never come before the Supreme Court of this State. Teachers have been prosecuted in this as well as other States for inflicting such punishment, and the question as to their legal right to do so has been frequently raised, but the decisions have very generally been in favor of such right. The teacher being in *loco parentis*, and responsible for the government and proper discipline of his school, is clothed with the same power to punish scholars for refractory conduct which is allowed by law to a parent in the government of his children. The decisions of all the cases of this kind, within the knowledge of the undersigned, have generally turned on the point whether the punishment was reasonable or not.

amend an act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March sixteenth, one thousand eight hundred and thirty-nine; an "act to abolish the office of superintendent of common schools," passed March twenty-third, one thousand eight hundred and forty; an act to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," of March seventh, one thousand eight hundred and thirty-eight, and the act amendatory thereto, passed March twenty-ninth, one thousand eight hundred and forty-one; an act to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and forty-two; an act further to amend the act entitled "an act for the sup-

In a case which came before John C. Spence, one of the ablest jurists of the State of New York, while he was superintendent *ex officio* of common schools, he decided that "the authority of the teacher to punish his scholars extends to acts done in the school-room or on the play-ground. The teacher of a school has, necessarily, the government of it, and he may prescribe the rules and principles on which such government will be conducted. The trustees should not interfere with the discipline of the school, except on complaint of misconduct on the part of the teacher; and they should then invariably sustain such teacher, unless his conduct has been grossly wrong.

A similar decision was made by John A. Dix, a distinguished statesman and jurist, while he was superintendent of common schools. He said: "The teacher is responsible for maintaining good order, and he must be the judge of the degree and nature of the punishment required, where his authority is set at defiance. At the same time, he is liable to the party injured for any abuse of a prerogative which is wholly derived from custom."

In Kent's Commentaries, seventh edition, Vol. II., page 212, note, the following decision may be found: "A schoolmaster, who stands in *loco parentis*, may, in proper cases, inflict moderate and reasonable chastisement." *State v. Prendergrass*.

The subjoined cases are somewhat analogous: "The master of a vessel may inflict moderate correction on his seamen, for sufficient cause; yet if he exceeds the bounds of moderation, and is guilty of unnecessary severity, he will be liable for a trespass." 14 Johns. Rep. 119. "A master may justify the chastisement of his apprentice, servant, or scholar, if it is done with a proper instrument and in a proper manner." 3 Salkeld, 47.

port and better regulation of common schools, and to create permanently the office of superintendent," passed March eleventh, one thousand eight hundred and forty-three; an act to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March twelfth, one thousand eight hundred and forty-four; an "act to amend the sixth section of an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March twelfth, one thousand eight hundred and forty-five; an act to amend the act entitled "an act to amend an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March twelfth, one thousand eight hundred and forty-five; "an act authorizing school directors to establish libraries for the use of common schools," passed

In Wharton's American Criminal Law, page 464, the following principle is laid down: "It is admissable for the defendant to show that the alleged battery was merely the correcting of a child by its parent, the correcting of a servant or scholar by his master, or the punishment of the criminal by a proper officer; but if the parent or master chastising the child exceed the bound of moderation, and inflict cruel and merciless punishment, he is a trespasser, and is liable to be punished by indictment. The law confides to schoolmasters and teachers a discretionary power in the infliction of punishment upon pupils, and will not hold them responsible criminally, unless the punishment be such as to occasion permanent injury to the child, or be inflicted merely to gratify their own evil passions."

From the foregoing opinions and decisions, the principle would seem to be pretty well settled, that the power allowed by law to the parent over the person of his child is, by the act of sending the child to school, delegated, for the time being, to the teacher; and that the same circumstances which would justify a parent in resorting to corporal punishment, in order to subdue a disobedient child, will also justify a teacher in the use of the same means to control a refractory scholar.

There has been, it is true, much diversity of opinion among eminent educationists, and others, as to the necessity, expediency, or even utility, of corporal punishment as a means of school government; but the right of the teacher thus to punish his scholars, for stubborn and continued resistance to his authority, has not been judicially denied.—H. H. BARNEY, *Commissioner of Common Schools*, 1855.

February twenty-eighth, one thousand eight hundred and forty-six; an act to amend an act passed March eleventh, one thousand eight hundred and forty-three, entitled an act further to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March second, one thousand eight hundred and forty-six; "an act to provide for the appointment of county superintendents of common schools, and defining their duties in certain counties therein named," passed February eighth, one thousand eight hundred and forty-seven; an act further to amend the act entitled "an act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed February eighth, one thousand eight hundred and forty-seven; an act to amend an act entitled "an act for the support and better regu-

156. **TEACHER'S RIGHT TO OPEN SCHOOL WITH PRAYER.**—On this extremely delicate and important matter I have not been able to find any decision of the Supreme Court of this State. But in the State of New York it has been decided, under a school law similar to that of this State, that "teachers may open and close their schools with prayer and the reading of the scriptures, provided they take care to avoid all controverted points or sectarian dogmas."

In some States it has been held that teachers can not claim this right as a matter of course, but that school officers may, in the exercise of a sound discretion, permit them to open and close their schools with prayer, provided the inhabitants of the district do not seriously object, and provided also that the harmony of the district would not seriously be disturbed thereby.

If the teacher in his prayers avoids all sectarian dogmas, and does not improperly consume time, I do not see why he may not be permitted to do what he believes to be his conscientious duty for the welfare of those committed to his charge, by appropriately invoking the blessings of God upon his important and responsible labors, as by properly addressing or lecturing his pupils upon the importance of a strict adherence to the principles of truth, justice and morality.

But the teacher should not insist on this privilege, nor should the local directors grant it, in cases where it would create dissatisfaction in the district, or induce a portion of the inhabitants to withdraw their children from school, because of *sincere* conscientious scruples on this subject.

The question as to the right of opening a school with prayer is one of great delicacy, and should be treated accordingly. In a matter of such grave character, involving the interests of religion, the freedom

lation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight, and the acts amendatory thereto, passed February twenty-fourth, one thousand eight hundred and forty-eight; "an act to secure the returns of the statistics of common schools," passed January twenty-first, one thousand eight hundred and forty-eight; an act to provide for the establishment of common schools, for the education of black and mulatto persons, and to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight, and the acts amendatory thereto, passed February twenty-fourth, one thousand eight hundred and forty-eight; an act to amend the act entitled "an act for the support and better regulation of common schools, and to

of conscience, and a sense of duty, school officers, teachers, and the inhabitants generally, should exercise great forbearance and a spirit of conciliation.

John C. Spencer, one of the most distinguished jurists in the State of New York, while acting as superintendent of common schools in that State, decided a similar question as follows, viz.: * * * * "If any parents are desirous of habituating their children to the practice of thanking their Creator for his protection during the night, and invoking his blessings on the labors of the day, they have a right to place them under the charge of the teacher for that purpose. But neither they nor the teacher have any authority to compel the children of other parents, who object to the practice, from dislike of the individual or his creed, or from any other cause, to unite in such prayers.

"And, on the other hand, the latter have no right to obstruct the former in the discharge of what they deem a sacred duty. Both parties have rights; and it is only by a mutual and reciprocal regard by each of the rights of the other that peace can be maintained, or a school flourish. The teacher may assemble in his school-room, before nine o'clock, the children of those parents who desire him to conduct religious exercises for them; and the children of those who object to the practice will be allowed to retire or absent themselves from the room. If they persist in remaining there, they must conduct with the decorum and propriety becoming the occasion. If they do not so conduct, they may be dealt with as intruders."

In the same State, it was held by Gen. John A. Dix, an eminent statesman and jurist, that "the teacher of a school may open it with

create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight, and the acts amendatory thereto, passed February twenty-fourth, one thousand eight hundred and forty-eight; an act to amend the eighteenth section of the school law of March seventh, one thousand eight hundred and thirty-eight, passed February fourteenth, one thousand eight hundred and forty-eight; "an act to authorize the establishment of separate schools for the education of colored children, and for other purposes," passed February tenth, one thousand eight hundred and forty-nine; an act to amend the act passed February twenty-fourth, one thousand eight hundred and forty-eight, entitled "an act to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight, and

prayer, provided he does not encroach on the hours allotted for instruction, and provided the attendance of the scholars is not exacted as a matter of school discipline."

* * * * *

Believing that the foregoing opinions and decisions may now be regarded as the well-settled rule in the premises, and that they are founded on principles of equity, and in accordance with that spirit of entire religious toleration which characterizes our constitution and laws, and which ought to characterize every institution founded by the State, I feel no inclination to gainsay them.

Let it be distinctly understood, however, that if no objections are raised against religious exercises in school, if the exercises are of reasonable length, and if the teacher takes care to avoid the discussion of all controverted points, or sectarian dogmas, he may conduct those exercises, during school hours.—H. H. BARNEY, *Commissioner of Common Schools*, 1856.

157. TEACHER'S JURISDICTION OVER HIS PUPILS.*—The legal

* The following positions, as general rules, in reference to the control which a teacher may legally exercise over his pupils in respect to time and place, are, we believe, fully sustained in law:

1st. In the school-room, the teacher has the exclusive control and supervision of his pupils, subject only to such regulations and directions as may be prescribed or given by the school committee.

2d. The conduct of the pupils on any part of the premises connected with the school-house or in the immediate vicinity of the same (the pupils being thus virtually under the care and oversight of the teacher), whether within the regular school hours or before or after them, is properly cognizable by the teacher. And any disturbances made by them or offenses committed by them within this range, injuriously affecting in any way the interests of the school, may clearly be the subjects of reproof and correction by the teacher.

3d. In regard to what transpires by the way in going to or returning from school, the authority of the teacher may be regarded as concurrent with that

the acts amendatory thereto, passed March sixth, one thousand eight hundred and forty-nine; an act to amend an act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March twelfth, one thousand eight hundred and forty-nine; an act to amend an act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, one thousand eight hundred and thirty-eight, and the acts amendatory thereto, passed March twenty-fourth, one thousand eight hundred and forty-nine; an act in relation to school district tax, providing for the annual school district meetings, and requiring maps of school districts, passed March seventh, one thousand eight hundred and fifty; an act for the appointment of a state board of public instruction, passed March twenty-second, one thousand eight hundred

right of the teacher to punish his scholars for disorderly acts done in the school-room or on the play-ground, before the opening of the school, after its close, during morning or afternoon recess, or at noon, has been fully recognized by the courts of this country. But whether his authority to punish his scholars extends to immoral or disorderly conduct elsewhere, is not so fully established. By some it is contended that the legal right of a teacher to inflict corporal punishment upon a scholar in any case, is derived from the fact that he stands in *loco parentis*, and therefore it can not be extended to acts done before this relation has commenced, or after it has terminated, without the express consent of the parent. It is further contended that this delegation to the teacher of the power allowed by law to the parent over the person of his child, does not take place till the child has reached

of the parent. So far as offenses are concerned for which the pupils committing them would be amenable to the laws, such as larcenies, trespasses, etc., which come more particularly within the category of crimes against the State, it is the wisest course generally for the teacher (whatever may be his legal power) to let the offenders pass into the hands of judicial or parental authority for discipline and punishment. And it is never worth while for teachers to exercise any doubtful authority, as they may thereby involve themselves in controversies with parents and others, and expose themselves to the liability of being harassed by a prosecution at law.

But as to any misdemeanors of which the pupils are guilty in passing between the school-house and their home, *which directly and injuriously affect the good order and government of the school, and the right training of the scholars*, such as truancy, willful tardiness, quarreling with other children, the use of indecent and profane language, etc., there can be no doubt that these come within the jurisdiction of the teacher, and are properly matters for discipline in the school.

4th. Teachers may, at their discretion, detain scholars a reasonable time after the regular school hours, for the purposes connected with the discipline, order, or instruction of the school. This practice has been sanctioned by general and immemorial usage among our schools, and by the authority and consent of school committees, expressed or implied, and has been found exceedingly useful in its influence and results.—*Hooker*.

and fifty; an act supplementary to the act for the appointment of a state board of public instruction, passed March twenty-third, one thousand eight hundred and fifty; an "act providing for school districts, and school district meetings, prescribing the duties of district officers and clerks and treasurers of townships, and increasing the state and county common school funds," passed March twenty-fourth, one thousand eight hundred and fifty-one—be, and the same are hereby repealed: Provided, that the obligations or liabilities incurred, and the rights acquired under the provisions of any of the acts hereby repealed, shall remain, and be in no wise altered or affected, but may be enforced, as if this act had not been passed; and the school officers in the several school districts of the state, as now organized, shall hold their respective offices and perform their respective duties, until the local di-

Liabilities
incurred and
rights acquir-
ed not affect-
ed.

the school premises, and must end when he leaves for home. On the contrary, it is maintained by others, that the right of a teacher to hold his scholars responsible for improper conduct on their way to and from school, is fully sanctioned by usage. Under all the circumstances, it is believed that the most prudent course for a teacher to take in a case like the one presented, would be to notify the parent of the misconduct complained of, and if his permission to punish the offending scholar can not be obtained, and the disorderly behavior be repeated, then to refer the matter to the board of education.

There can be no doubt that boards of education possess the legal power to make and enforce such rules and regulations as, in their judgment, may be necessary for the best interests of the schools within their jurisdiction; and it is their duty as well as their right to co-operate with the teacher in the government of the school, and to aid him to the extent of their power and influence in the enforcement of reasonable and proper rules and regulations, and to dismiss a scholar from the school whenever he uses at school, or on his way to or from the same, such rude, vulgar or profane language, and exhibits such a degree of moral depravity generally, as to render his association with other scholars dangerous to the latter, or whenever he manifests such violent insubordination as to render the maintenance of discipline an order in the school impracticable, or extremely difficult. It is also the duty as well as the legal right of the local directors to see that the general character, usefulness, and prosperity of the school are not impaired by allowing those to remain in it, whose whole influence, conduct, and bad character have forfeited all claim to the enjoyment of its privileges.—H. H. BARNEY, *Commissioner of Com. Schools*, 1855.

rectors herein provided for shall have been elected and qualified.

JAMES C. JOHNSON,
Speaker of the House of Representatives.
 GEORGE REX,
President of the Senate, pro tempore.

SUPPLEMENTAL SECTIONS.

TREASURERS OF SPECIAL SCHOOL DISTRICTS.

[*Passed March 18, 1864. 61 Stat. p. 36, Sec. 10.*]

All treasurers must file certificate of bond with county auditor.

SUPP. SEC. I. It shall be the duty of the treasurer of any school district in the state, or the treasurer of any board of education of any city or town, under any law of the state, to furnish the auditor of his county with a certificate from the clerk, recorder, or board of education, of such city, town, or district, stating that said treasurer has executed and deposited the requisite bond, and stating also the amount of such bond, as is required by the provisions of this act, of township treasurers; and the auditor shall in no case permit said treasurer to have in his hands, at any one time, an amount of school funds over one half the amount of the penalty in such bond; and it shall be the further duty of said treasurer to make an annual settlement with the county auditor, and to prepare and forward to him an annual statement of the receipts and disbursements of school funds, as is required by this act, of township treasurers.

Annual settlement and report.

Supp. Section I.

158. SCHOOL TREASURER.—The school law for cities and towns ("School Law of 1849"), the "Akron School Law," and several other special laws under which the schools of different cities are organized, authorize boards of education to elect, from their own number, a treasurer, but do not contain a provision requiring such treasurer, so elected, to file a certificate of bond with the county auditor, or make an annual settlement with said auditor, as is required by the general school law of treasurers of townships and separate school districts organized under its provisions. The object of this supplemental section is to supply the evident defect in the laws referred to, and to hold all treasurers who have the disbursement of school funds to the same strict accountability.

By supp. section 2, the treasurer of a board of education of a city or town organized under either of the special laws above referred to, may be allowed a reasonable compensation for the disbursement of school funds.

COMPENSATION OF CLERKS AND TREASURERS.

[Passed March 18, 1864. 61 Stat. p. 36, Sec. 11.]

SUPP. SEC. II. Township trustees may allow the township clerk the same compensation out of the township treasury for preparing the annual returns of the board of education to the county auditor, and for issuing orders upon the township treasurer for the payment of teachers, and other similar clerical duties, as is allowed for other services of like nature; and boards of education in cities and towns, under any law of the state, may also allow the clerk and treasurer of said board a reasonable compensation for the discharge of those duties for which township clerks and treasurers are allowed compensation by the provisions of this act; but it shall be unlawful for any member of any board of education, organized under any law of this state, to receive any compensation for his services as member of said board, or to apply any money coming into his hands, for the benefit of schools, to his own use; and any person violating either of the provisions of this section, shall be liable to be prosecuted therefor, in a civil action to be instituted in the name of the state of Ohio, before any court having competent jurisdiction, and if found guilty in such action, shall be ordered and

Compensation of clerk and treasurer.

Members of board not entitled to compensation.

Penalty.

Supp. Section II.

159. COMPENSATION OF TOWNSHIP CLERKS.—Township trustees can not in justice refuse to allow township clerks a reasonable compensation for the discharge of those important duties which the school law enjoins upon them. It is regretted that the word "may," in the second line of this section, is not *shall*, since it was the manifest intention of the General Assembly to compensate township clerks for all *clerical* services under the school law. The allowance of the township clerk must be paid from the township treasury—not from the school funds. It is hoped, however, that no trustee will need a positive requirement to induce them to do an act of such manifest justice. No duty can be plainer than theirs in allowing such compensation.

160. COMPENSATION OF CLERKS IN SEPARATE DISTRICTS.—In cities and other separate school districts, the compensation allowed the clerk of the board of education may be paid from the contingent school fund under the control of the board. Neither the clerk nor treasurer of any school board can be paid for services as members of such board. The clerk can be paid for *clerical* duties only; and the treasurer for the safe-keeping and disbursement of school funds. A member of a school board is forbidden to receive any compensation for services rendered "*as member of said board.*" If appointed

adjudged by such court to pay any sum not less than the amount of the compensation so unlawfully received, or the money so unlawfully applied, not exceeding twice any such sum; and all moneys collected under the provisions of this section shall be paid into the treasury of the township in which the action shall have originated, for the use of common schools in the township.

STATE BOARD OF EXAMINERS.

[*Passed March 18, 1864. 61 Stat. p. 36, Sec. 12.*]

How appointed.

To whom state certificates may be granted.

Valid in any county or district.

SUPP. SEC. III. It shall be the duty of the state commissioner of common schools to appoint a state board of examiners, to consist of three competent persons, resident in the state, who shall hold their office for two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur, by death, resignation, or otherwise, shall be filled by appointment, by said commissioner, for the unexpired term. The state board of examiners thus constituted, are hereby authorized to issue state certificates of high qualification to such teachers as may be found upon examination to possess requisite scholarship, and who may also exhibit satisfactory evidence of good moral character and of eminent professional experience and ability. All certificates issued by said state board of examiners shall be countersigned by the commissioner of common schools; and such state certificate shall supersede the necessity of any and all other examinations of the persons holding them by county or local boards of examiners; and such certificates shall be valid, in any county, city, town, or school district of the state during the life-time of the holder unless revoked

clerk, or treasurer, or acting manager of schools, he is entitled to pay for all services rendered in such official capacity.

Supp. Section III.

161. STATE CERTIFICATES.—In making provision for the issuing of state certificates or diplomas to eminent teachers, the general assembly has recognized teaching as an honorable profession. As such, a diploma is only awarded on the most satisfactory evidence of high moral, scholastic and professional attainments; it entitles the holder to respect and standing in the profession, and its possession is worthy of any teacher's ambition. The provisions of the law are general in their terms, but they confer all necessary power upon the board, and clearly indicate their duties. The first appointment of a state board, under the law, was made April 11, 1864.

by said state board of examiners. Each male applicant for a state certificate shall pay to the board of examiners a fee of three dollars, and each female applicant a fee of two dollars. Fees.

TEACHERS' INSTITUTES.

[*Passed March 18, 1864. 61 Stat. p. 37, Sec. 13.*]

SUPP. SEC. IV. In every county of the state in which an association of teachers of common schools, called a teachers' institute, has been or may hereafter be formed, the treasurer of said county is hereby required to pay over to the committee of said institute, upon the order of the county auditor, such sum of money belonging to the fund arising from the means and sources as provided in the seventh section of this act [section 45], as may not have been previously appropriated: provided, that no part of the money shall be ordered by the county auditor to be paid over, except upon the petition of at least forty practical teachers, resident of the county, who shall therein declare their intention to attend such institute; and it shall be the duty of the officers of every such teachers' institute to report within thirty days after every meeting of the same to the state commissioner of common schools, the number of teachers in attendance, the names of the Fund for teachers' institute to be paid over on petition of forty teachers. Report to school commissioner required.

Supp. Sec. IV and V.

162. TEACHERS' INSTITUTE FUND.—By section 45 of the general school law, as amended March 18, 1864, applicants for a teacher's certificate are required to pay to the county examiners, as a condition of examination, a fee of fifty cents. All the money arising from these funds is set apart for the support of teachers' institutes, with the exception of so much of such money as may be necessary to pay the necessary travelling expenses of the examiners and the cost of U. S. revenue stamps for certificates, not exceeding in any one quarter one third of the amount of fees collected during said quarter. See Opin. 126. When the funds arising from this source are not adequate to pay the expenses of a good institute, a fee for tuition may be charged the members, provided a notice of such tuition charge be publicly made.

Institute funds, arising from examination fees, can be drawn from the county treasury only on two conditions: 1. The existence of a county teachers' association. 2. The petition of at least forty teachers resident in the county in attendance upon an institute, or who declare their intention to attend. A person who has never taught, but who has a school engaged, may be regarded as a "practical teacher," so far as such a petition is concerned. For form of petition, see appendix.

instructors and lecturers, an account of the moneys received and expended by them, and such other information relating to the institute as the school commissioner may require.

UNION INSTITUTES.

[*Passed March 18, 1864. 61 Stat. p. 37, Sec. 14.*]

SUPP. SEC. V. When an association of teachers of common schools, called a teachers' institute, has been formed by the teachers of two or more contiguous counties, it shall be the duty of the auditor and treasurer of each of the counties so united, to appropriate money for the support of such institute, from the same funds, and in the same manner as is required in the preceding section: provided, that no such appropriation shall be made except upon the petition of at least thirty practical teachers, resident of the county, who shall declare their intention to attend the meeting of said institute; and the officers of said institute shall make a full report of the proceedings of the same to the commissioner of common schools, as is required of the officers of county institutes.

Fund paid
over on peti-
tion of thirty
teachers.

Report.

SCHOOL MONTH.

[*Passed March 18, 1864. 61 Stat. p. 37, Sec. 15.*]

SUPP. SEC. VI. A school month shall consist of four weeks, and it shall be the duty of boards of education,

By "an act to encourage teacher's institutes," passed February 8, 1847, and the acts amendatory thereto, all of which are still in force (Chapter II), county commissioners are authorized, on specified conditions, to appropriate, from the county treasury, a sum not exceeding one hundred dollars in any one year, for the support of a teachers' institute duly organized.

163. ORGANIZATION OF A COUNTY TEACHERS' ASSOCIATION.—A meeting for this purpose may be called by one or more of the county examiners, or by any other person or persons interested. At this preliminary meeting an organization may be effected temporarily by the election of a chairman and secretary, and also an executive or business committee, with full authority to fix the time and place of holding the first session of the institute, procure instructors and lecturers, and make all other necessary arrangements. A permanent organization may be made by adopting a brief constitution, and electing officers in accordance with its provisions. For form of constitution, see appendix. Any teacher or friend of education may be a member of a teachers' institute.

Supp. Section VI.

164. SCHOOL MONTH—HOLIDAYS.—A school month consists of four *school weeks*, the word "week" being clearly used in this section

and other local school officers, in making the annual returns of statistics to county auditors, required by this act, and the acts to which it is amendatory, to report the length of the terms of schools in weeks and fractional parts thereof.

MINIMUM SCHOOL AGE IN CITIES.

[*Passed March 18, 1864. 61 Stat. p. 37, Sec. 16.*]

SUPP. SEC. VII. The board of education of any city or incorporated village, organized and governed as to schools by the provisions of this act, or the acts to which this is amendatory, and which with the territory annexed contains not less than one thousand inhabitants, shall have the authority to exclude from the common schools in such city or village all children under the age of six years.

to denote the period during which the school is usually in session each week. When the school is taught but five days each week, twenty school days will make a month; when taught five and one half-day each week (or every other Saturday), twenty-two school days will make a month. The teacher may dismiss his school on customary or national holidays, as the Fourth of July, Thanksgiving, Christmas, New Year, etc., without forfeiting pay for such days. See section 6, Opin. 16.

Supp. Section VII.

165. CHILDREN UNDER SIX YEARS OF AGE.—This provision authorizing boards of education to exclude children under six years of age applies only to cities and incorporated villages of more than one thousand inhabitants, organized as to schools under the general school law, to which the act of March 18, 1864, is amendatory. See section 4 of an act passed March 13, 1850, page 106.

166. FORFEITURE OF STATE SCHOOL FUNDS (Supplementary to Opin. 77).—If the annual estimates for school purposes made and certified to the county auditor by the board of education are as great as the law authorizes (three mills in townships), the State school funds will NOT be forfeited, even though such estimates do not provide sufficient funds to continue the schools twenty-four weeks each year. The failure in such case is clearly not the fault of the board, if the township is properly sub-districted.

167. COLORED SCHOOLS (Supplementary to Opin. 89).—It is not the duty of sub-district local directors to make provision for a separate school for colored youth, or to employ teachers for such schools. This is the duty of the township board. But when the

CLERKS' AND TREASURERS' ACCOUNT BOOKS.

[Passed March 28, 1865. 62 Stat. p. 64, Sec. 4.]

Clerk and treasurer of township to make record of all moneys received and disbursed.

SUP. SEC. VIII. It shall be the duty of the auditor of each county in the state to furnish the clerk and treasurer of the several townships in his county with a suitable blank book each, made according to the form prescribed by the commissioner of common schools, in which book, as provided, it shall be the duty of said clerk and treasurer respectively to make a record of all school moneys received and disbursed during each school year, showing the amount of school moneys in the hands of the said treasurer on the first day of September of each year, and also at the time of his annual settlement with the board of education in April, and from what sources received; the amounts received during the school year, and from what sources; the orders drawn or paid, as the case may be, from what funds and for what purpose, and the amount of school funds in the hands of said treasurer at the close of the school year; and at the expiration of his official service, said township clerk shall deliver to his successor in office the aforesaid book, also the book in which is recorded the official proceedings of the board of education, all certificates and reports of teachers required by law to be filed in his office, and all other official books and papers relating to schools in his hands; and in case of a failure to deliver such books and papers as herein required, said township clerk shall be liable to a fine not exceeding fifty dollars, to be recovered in a civil action in the name of the state of Ohio, and when collected, to be applied to the use of common schools.

Clerk to deliver records to his successor.

—penalty for failure.

township board fail to establish separate schools for colored youth, local directors may admit such colored youth to the school under their control, provided such admission is not forbidden by the rules of the township board.

168. STAMPS ON SCHOOL PAPERS.—The following instructions are based upon a decision of the Commissioner of Internal Revenue respecting the application of the United States excise law to school orders and papers in this State:

1. Warrants or orders drawn by county auditors on county treasurers for the payment of school funds to township or other local treasurers, and orders drawn by township clerks on township treasurers or by the clerk of any board of education on its treasurer for the payment of school moneys to individuals, require no revenue stamp, since such a stamp would necessarily be a charge on the county or local treasury. For like reason, the receipts given by county treasurers to the State treasurer or by township and other local treasurers to county treasurers, are not subject to stamp duty.

DISMISSAL OF TEACHER FOR INSUFFICIENT REASON.

[Passed April 17, 1857. 54 Stat. 240, Sec. 11.]

SUPP. SEC. IX. If the directors of any sub-district dismiss any teacher for any frivolous or insufficient reason, such teacher may bring suit against such sub-district, and if, on the trial of the cause, a judgment be obtained against the sub-district, the directors thereof shall certify to the clerk of the board the sum so found due, and he shall issue an order to the person entitled thereto, upon the township treasurer, to pay the same out of any money in his hands belonging to said sub-district, and applicable to the payment of teachers. In such suits, process may be served on the clerk of the sub-district, and service upon him shall be sufficient.

Teacher may
sue sub-dis-
trict.

AUTHORITY TO CONDEMN SCHOOL-HOUSE SITES.

[Passed February 10, 1860. 57 Stat. 9.]

SUPP. SEC. X. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any board of education, organized under the act passed March 1, [14.] 1853, entitled "an act to provide for the reorganization, supervision and maintenance of common schools," or or-

Boards of ed-
ucation au-
thorized to
condemn
school-house
sites.

2. Receipts given by teachers and other individuals or parties to township or other local school treasurers for any sum of money exceeding twenty dollars (\$20), require a *two-cent* stamp, the same to be affixed by the party signing the receipt.

3. Certificates issued by local school directors certifying to township clerks or boards of education the amount due teachers for their services or the amount due other parties on contract, etc., are not subject to stamp duty. In case these certificates were subject to such duty, the stamp would be a legitimate and necessary part of the school expenses of the district, and as such would be chargeable to the school funds of the township.

4. Written contracts or agreements between boards of education or boards of local directors and teachers or other individuals or parties, require a *five-cent* stamp. The stamp duty in such cases ought to be paid by the latter party, since the stamps, if furnished by the school officers, can not be charged to the school fund.

5. Reports of school statistics, whether made by teachers, treasurers, clerks of school boards, township clerks, or county auditors, are not subject to stamp duty, since these reports have no money or legal value, being evidence neither of value received or due, of privileges bestowed, nor of obligations assumed.

6. Certificates of qualifications of teachers, whether issued by State, county, or local boards of examiners, require a *five-cent* stamp, the same to be furnished by the recipient. The stamp duty on county certificates is provided for in this State by a fund arising from examination fees. When a copy of a certificate, instead of the original, is filed with the township clerk, or with the clerk of a school board, such copy need not be stamped. It should show, however, that the original certificate bore a five-cent stamp."

ganized under the act passed February 21, 1849, entitled "an act for the better regulation of the public schools in cities, towns, &c.," in every case where it may be necessary to procure a school-house site, and the said board of education and the owner thereof shall be unable, from any cause, to agree upon the sale and the purchase thereof, to make out an accurate survey and description of the parcel of land which the said board of education may desire to appropriate for school-house purposes, and file the same with the probate judge of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for by the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the various acts amendatory and supplementary thereto.

UNION VILLAGE AND TOWNSHIP HIGH SCHOOLS.

[*Passed January 24, 1859. 56 vol. Stat. 7.*]

Union or village board of education with township board to establish central or high school.

SUPP. SEC. XI. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education of any incorporated village in this state may unite with the board of education of the township in which such village, or any part of it, be situated, for the purpose of establishing a central or high school within such township. The said board shall jointly agree upon an estimate of the probable cost thereof, and thereupon call separate meetings of the qualified voters of their respective districts, in the manner now provided by the twenty-first section of the act to which this is supplementary; and said meetings, when so convened, shall in all respects be held and conducted in accordance with the provisions of the section aforesaid: Provided that no such central or high school shall be so established, unless a majority of the voters at each of said meetings shall vote in favor of the same. The further establishment of such central or high school, and the control of the same, when established, shall be ordered and regulated in such manner as shall be agreed upon and directed by said boards of education interested therein.

How established and controlled.

POWER TO ANNEX TERRITORY FOR SCHOOL PURPOSES.

[*Passed April 10, 1856. 53 Stat. 200, Sec. 3.*]

SUPP. SEC. XII. *Be it further enacted*, That the boards of education of any township, and the boards of education of any city, or incorporated village, or union school district created by any law of this state, shall have power according to the general provisions of said act passed March 14, 1853, by mutual agreement between the township board and the city or village board to transfer

territory to or from the respective districts under the control of said respective boards.

MALICIOUS INJURY OF SCHOOL HOUSES.

[*Passed March 24, 1860. 57 Stat. 86.**]

SUPP. SEC. XIII. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall wilfully and maliciously injure any church edifice, school-house, dwelling-house, or other building, not being his own property, or in any way disfigure the same with paint or otherwise, or deface the same by painting thereon any obscene words, figures, or devices, or by posting thereon any paper or other material bearing such words, figures or devices, he shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or both said punishments, in the discretion of the court.

Definition and
penalty.

WILLFUL DISTURBANCE OF SCHOOLS.

[*Passed March 30, 1864. 61 Stat. 98, Sec. 1.†*]

SUPP. SEC. XIV. That if any person or persons shall hereafter willfully disturb, molest, or interrupt any literary society, school, or society formed for the intellectual improvement of its members, or any other school or society organized under any law of this state, or any school, society, or meeting, formed or convened for improvement in music, letters, or for social amusement, such person or persons so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five, nor more than twenty dollars, with costs of prosecution, and shall stand committed until such fine shall have been paid: Provided such commitment shall not exceed five days; and provided further, that the judgment for costs shall not be abated until such costs shall have been fully paid.

Willfully disturbing, &c.; a
misdemeanor.

Penalty.

TAXES FOR SCHOOL PURPOSES IN CITIES.

An act to authorize cities of the first and second class to levy taxes for school purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class having a population exceeding one hundred thousand inhabitants, the trustees and visitors of common schools shall, on or before the second Monday of May, annually, cause to be

Levy by cities
having over
100,000 inhab-
itants.

* An act to prevent and punish malicious injuries to church edifices, school-houses, dwelling-houses, and other buildings.

† An act to amend an act to protect literary societies and schools, passed April 2, 1859.

certified to the city council an estimate of the amount necessary to be raised in said city for school purposes, not exceeding two mills on the dollar upon all property in said city valued or appraised and liable and subject to taxation for state and county purposes, corporations, school-house, and school taxes, and the city council shall certify the said amount so to be raised, to the county auditor, who is hereby authorized and directed to place the same on the duplicate of taxes for said county in the same manner as township taxes now by law are placed on such duplicate, which said school taxes shall be collected by the county treasurer of said county, and by him paid into the city treasury on the order of the county auditor on or before the first Mondays of January and July in each year.

SEC. II. That the boards of education of the cities of the first class having a population of over forty thousand and less than one hundred thousand inhabitants are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards respectively, not exceeding three mills on each dollar on the valuation of the taxable property of said cities; and all cities of the first class having a population of less than forty thousand inhabitants, and cities of the second class, the boards of education of said cities respectively are hereby authorized to levy such rate of tax for school purposes as may be determined upon and certified to the county auditor by said boards of education respectively, not exceeding four mills on the valuation of the taxable property of said cities, which said school tax shall be collected by the county treasurer of the proper county, the same as other taxes are collected, and by him paid to the treasurer of said board on the order of the county auditor on or before the first days of January and July in each year.

SEC. III. This act shall take effect and be in force from and after its passage; and section four, of which this is an amendment, is hereby repealed.

JAMES R. HUBBELL,

Speaker of the House of Representatives.

CHARLES ANDERSON,

President of the Senate.

March 25, 1864.

City council
to certify
amount to
county audi-
tors.

How tax col-
lected.

Levy by cities
having less
than 100,000
inhabitants.

Levy by cities
having less
than 40,000
inhabitants;

—and cities of
second class.

How tax col-
lected.

CHAPTER II.

TEACHERS' INSTITUTES.

An act to encourage teachers' institutes.*

[*Passed February 8, 1847. 45 vol. Stat. 67.*]

WHEREAS, it is represented that, in several counties, associations of teachers of common schools, called teachers' institutes, have been formed, for the purpose of mutual improvement and advancement in their profession, which, it is represented, have already accomplished much to elevate the standard of common school instruction in their respective counties; therefore, in order to encourage such associations, and thus promote the cause of popular education,

Preamble.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That in the several counties mentioned in the fifth section, in which such associations now exist, or in which such associations shall be hereafter formed, it shall be lawful for the county commissioners of said counties to appropriate the annual avails, or any part thereof, of the fund provided for in the third section of the act passed March 19, 1848, entitled "an act declaratory of, and amendatory to, an act entitled 'an act providing for the distribution and investment of this state's proportion of the surplus revenue,'" passed March 28, 1837, for the purposes of such associations.

County commissioners may appropriate annual proceeds of surplus revenue.

* An act to amend an act to encourage teachers' institutes, and to extend the provisions of the acts providing for teachers' institutes, and county superintendents, to the several counties of this state.

[*Passed February 24, 1848. 46 vol. Stat. 86.*]

SECTION 1. That the provisions of the act entitled "an act to encourage teachers' institutes," and the act entitled "an act to provide for the appointment of county superintendents of common schools, and defining their duties in certain counties therein named," passed February, 1847, be and the same are hereby extended to all the counties in this state.

Former law made general.

SEC. 2. That the second section of the act entitled "an act to encourage teachers' institutes," passed February 8, 1847, is hereby so amended that all money used under the provisions of said section, in purchasing libraries, shall be used in purchasing and supporting suitable common school libraries, for the several common school districts in the several counties in this state that may be in possession of the funds named in the first section of this act.

Former act in reference to libraries amended.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.
CHARLES B. GODDARD,
Speaker of the Senate.

* An act to amend an act entitled "an act to encourage teachers' institutes," passed February 8, 1847.

[*Passed February 16, 1849. 47 vol. Stat. 119.*]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the several counties mentioned in the act to which this is an amendment, shall be and they are hereby authorized, at their June session in each year, whenever, for any cause, the sum of one hundred dollars shall not arise from the means and source as provided in the first section of the aforesaid act, to appropriate such sum as shall be sufficient to make up said

County commissioners may appropriate \$100.

Moneys to be paid to lecturers, and for library.

Who shall have a right to attend the meetings of associations.

County boards of examiners to report to secretary of state.

May levy a tax.

Money, how and for what appropriated.

Not to be paid over until teachers raise half the amount asked for.

SEC. II. The moneys so appropriated shall, upon the order of the county auditor, be paid over to, and expended by the board of school examiners of the proper county; the one-half thereof, at least, to the payment of suitable persons as instructors and lecturers to such associations, and the balance to the purchase and support of a suitable common school library, for the use of such associations.

SEC. III. Every teacher of common schools of the county, and every person of the county intending to become a teacher of common schools within the next twelve months, shall have the right, without charge for instruction, to attend the meetings of such associations, and enjoy all their benefits.

SEC. IV. It shall be the duty of all the county boards of school examiners, in the several counties mentioned in the fifth section, to report, annually, to the secretary of state, during the month of December, the number of male and female teachers examined by them during the year, the number of certificates given, how many authorized the teaching of reading, writing, and arithmetic only; and when moneys shall have been received by virtue of this act, they shall also report how it has been expended, and with what results.

SEC. V. This act shall be in force only in the counties of Ashtabula, Lake, Geauga, Cuyahoga, Erie, Lorain, Medina, Trumbull, Portage, Summit, Delaware.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

sum of one hundred dollars, from any moneys in the county treasury not otherwise appropriated.

SEC. 2. That in case there are no moneys at the disposal of the said county commissioners, they are hereby authorized to levy a tax (in the usual manner) for the purposes named in the preceding section.

SEC. 3. That no part of the money appropriated by virtue of this act, or of the act to which this is an amendment, shall be ordered by the county auditor to be paid over, except upon the petition of at least forty practical teachers, who shall therein declare their *bona fide* intention to attend such association within their respective counties, and who shall also, at the time of so petitioning as aforesaid, be permanent residents of the county in which application shall be made; and which payment and appropriation shall also be approved and recommended in writing, indorsed upon said petition by the board of school examiners of such county.

SEC. 4. That said sum of one hundred dollars, or any part thereof, shall not be ordered by the county auditor to be paid over as aforesaid, until said teachers shall have first raised and paid over, as secured to be paid over, to said board of school examiners, for the purposes and benefit of such association, at least one-half of the sum for which they shall so petition said county auditor, and which payment, or security for payment, as aforesaid, shall be made known to said auditor by the receipt, or certificate in writing of said board of school examiners.

JOHN G. BRESLIN,
Speaker of the House of Representatives.
BREWSTER RANDALL,
Speaker of the Senate.

UNION TEACHERS' INSTITUTES.

An act supplementary to an act to encourage teachers' institutes, passed February 8, 1847, and the several amendments thereto.

[*Passed April 5, 1861. 58 Stat. 61.*]

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That where an association of teachers of common schools, called a teacher's institute, has been or may be formed by teachers of two or more contiguous counties, the county commissioners of each of said counties are hereby authorized to appropriate for the use of said association, a sum not exceeding one hundred dollars in any one year, from any moneys in the county treasury not otherwise appropriated.

SEC. II. The moneys so appropriated shall, upon the order of the county auditor, be paid over to the committee of said institute: Provided, that no part of the money shall be ordered by the county auditor to be paid over, except upon the petition of at least twenty practical teachers, residents of the county in which appropriations shall be made, who shall therein declare their intention to attend the meeting of said association.

SEC. III. It shall be the duty of the officers of every such teachers' institute to report at the close to the school examiners of the proper county, the name of such teacher in attendance, the time of attendance, and the amount paid for the use of the institute to the state commissioner of common schools, within thirty days after every meeting of the institute, an account of the moneys received and expended by them, and always to report such other matter relating to the institute as the commissioner may require.

ED. A. PARROTT,

Speaker pro tem of the House of Representatives.

ROBERT C. KIRK,

President of the Senate.

CHAPTER III.

UNION SCHOOL LAW FOR CITIES AND TOWNS.

[“SCHOOL LAW OF 1849.”]

An act for the better regulation of the public schools in cities, towns, etc.*

[Passed February 21, 1849. 47 vol. Stat. 22.]

Towns of 200 inhabitants may be single school districts.

SEC. I. *Be it enacted by the General Assembly of the State of Ohio,* That any incorporated city or town in the state, or any incorporated town or village, except such city, town or village, as is now, in whole or in part, governed as to schools by some special law heretofore passed, containing within the town or village plot, as laid out and

* An act to amend the “act for the better regulation of the public schools in cities, towns, etc.,” passed February 21, 1849.

[Passed March 13, 1850. 48 vol. Stat. 40.]

Extending act in reference to public schools.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act for the better regulation of the public schools in cities, towns, etc., passed February 21, 1849, be and the same is hereby extended to incorporated townships and to school districts, now or hereafter to be organized, which shall adopt the same in the manner specified in the second and third sections of said act: Provided, however, that said act shall not be so extended to any township or school district containing less than five hundred inhabitants, unless said school district consists, in whole or in part, of an incorporated town or village.

Single school districts.

SEC. 2. Townships and school districts to which said act may be extended in the manner aforesaid, shall thereafter be known and recognized in law as single school districts, with all the powers, rights and franchises which, for educational purposes, are or may be conferred upon incorporated cities, towns and villages, in virtue of the act aforesaid; and the board of education of such townships and school districts shall be elected and organized in the same manner as is provided in the fourth and fifth sections of said act, and shall have like powers, rights and privileges, and perform like duties, as boards of education of cities, towns, etc., under the act aforesaid.

Board of education.

Title to real estate to vest in board.

SEC. 3. The title to all real estate, and other property, belonging, for school purposes, to any city, town, village, township, or district, or to any part of the same, which is or may be organized into a single school district, in accordance with this act, or the act to which this is an amendment, shall be regarded in law as vested in the board of education thereof, for the support and use of the public schools therein, and said board may dispose of, sell and convey said real estate, or any part of the same, by deed, to be executed by the president of said board, upon a majority vote for such sale at any regular meeting of the electors of said district.

Board to have power to exclude children under six years of age.

SEC. 4. The board of education of any city, town, village, township, or school district, organized for the support of schools under this act, or the act to which this is amendatory, or the act for the support and better regulation of common schools in the town of Akron, and the acts amendatory thereto, or under any special local act, shall have authority to exclude from the public schools in such city, etc., all children under the age of six years.

BENJAMIN F. LEITER,

Speaker of the House of Representatives.

CHARLES C. CONVERSE,

Speaker of the Senate.

* An act relating to common schools.

[Passed April 10, 1856. 53 vol. Stat. 200.]

Preamble.

WHEREAS, certain boards of education, organized under an act for the better regulation of public schools in cities, towns, etc., passed February 21, 1849; and certain boards of education organized under an act to provide for the re-organization, supervision and maintenance of common schools, passed March 14, 1853, acting under said acts have by agreement between said boards, under the act passed February 21, 1849, and the boards, under the act passed March 14, 1853, made annexations and transfers of territory to and from the districts

recorded, two hundred inhabitants or more, with the territory attached, or hereafter to be attached to said city, town or village, for school purposes, may be organized into and established as a single school district, in the manner and with the powers hereinafter specified; but the provisions of this act shall not apply to any city, town or village, or any part thereof, which is now governed as to schools by any special law.

SEC. II. That, in order to such organization, written notices shall be posted up in three or more of the most public places in said contemplated district, signed at least by six resident freeholders of the same, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote, by ballot, for or against the adoption of this act, which notice shall be so posted up at least ten days next prior to said meeting.

Qualified voters to vote for or against the adoption of this act.

SEC. III. That the electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman, and clerk, who shall be judges of said election. That the electors in favor of the adoption of this act for said district, shall write upon their ballots, "school law," and those opposed thereto shall write upon their ballots, "no school law;" the adoption or rejection of this act to be determined by a majority of the votes to be cast in the manner aforesaid.

Manner of casting such vote.

SEC. IV. That in case a majority of the votes shall have been cast for said law, the electors of said districts shall assemble at the place last aforesaid, within twenty days from the time of the adoption of said act, of which at least ten days' previous notice shall be given by said chairman and clerk, in the manner aforesaid, and shall then choose, by ballot, six directors of the public schools

Directors to be chosen.

provided for in said acts respectively for the promotion of education, according to the true intent and meaning of said acts; and whereas, doubts exist as to the legality of such annexations and transfer of territory; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all annexations or transfers of territory to or from the districts provided for in the said act passed February 21, 1849, and in the said act passed March 14, 1853, made pursuant to said acts respectively, and the agreement of the boards of education organized under said acts respectively, heretofore made or agreed upon, or which shall hereafter be thus made or agreed upon, shall be held to be as valid as if the same had been specially and more particularly provided for in said acts, or the acts amendatory thereto.

Transfers made valid.

SEC. 2. *Be it further enacted,* That the boards of education of any township, and the boards of education of any city, or incorporated village, or union school district created by any law of this state, shall have power according to the general provisions of said act passed March 14, 1853, by mutual agreement between the township board and the city or village board to transfer territory to or from the respective districts under the control of said respective boards.

Power to transfer.

SEC. 3. That this act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

of said district, two of whom shall serve for one year, two for two years, and two for three years, the time that each shall serve to be designated on the ballots; and annually thereafter there shall be chosen, in the same manner, two directors, each of whom shall serve for three years, and until their successors shall be elected and qualified; such intermediate vacancies as may occur to be filled by the acting directors until the next annual election, when such vacancies shall be filled by the electors.

Directors to
organize.

SEC. V. That said directors, within ten days after their appointment as aforesaid, shall meet and organize by choosing from their number a president, secretary and treasurer; that said treasurer, before he enters upon the duties of his office, shall give bond payable to the state of Ohio, with security, to be approved by said board, and to be by them kept, conditioned for the faithful discharge of his duties as such treasurer.

Their power¹
and duties. ¶

SEC. VI. The said directors, and their successors in office, shall be a body corporate, by the name of the board of education of said city, town, or village, and, as such, and by such name, shall receive all moneys, and other property, belonging or accruing to said district, or to said city, town, or village, or any part of the same, for the use or benefit of the public schools therein; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity; and also shall be capable of receiving any gift, grant, bequest, or devise, made for the use of the public schools in said city, town or district, and all moneys accruing to said city, town or district, for school purposes, under any law of this state, shall be paid over to the treasurer of said board of education.

Meetings of
board.

SEC. VII. Said board of education may hold stated meetings at such times and places in said district as they may appoint, four members of said board, at all meetings thereof, constituting a quorum for business; that special meetings thereof may be called by the president, or by any two members, on giving one day's notice of the time and place of the same; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of the treasurer, and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

Money, how
paid out.

School-houses,
how built.

SEC. VIII.* That whenever said board shall deem it necessary to purchase or erect a school-house, or school-houses, for said district, or to purchase sites for the same, they shall call a meeting of the legal voters in said district,

* See last clause of section 22 of general school law, as amended March 18, 1864, and the act supplementary thereto, passed March 8, 1865, p. 40.

by giving at least ten days' notice of the time and place, and object of said meeting, in some newspaper printed in, and in general circulation in such district, if any such there be, and if there be no such newspaper, then by posting up written or printed notices thereof, at five or more of the most public places in said district; and the president of said board, and in his absence one of the other directors, shall act as chairman of said meeting; and said meeting may determine, by a majority vote, upon the erection of a school-house or school-houses, and the purchase of a site or sites theretor, and the amount of money to be raised for the purpose aforesaid, and the time or times when the same shall be paid, which money, so voted, shall be thereupon certified by the board of education, by its chairman and secretary, to the auditor of the county, and shall be assessed in said district, collected and paid over to the treasurer of said district, in the same manner as the tax hereinafter provided for in the twelfth section of this act.

SEC. IX. It shall be the duty of said board, so soon as the means for that purpose can be provided, to establish in said district an adequate number of primary schools, to be so located as best to accommodate the inhabitants thereof, and in which the rudiments of education shall be taught; and it shall be the further duty of said board to establish in said district a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools, the number of schools, and also of the different grades thereof, to be determined by said board; and it shall be the further duty of said board to decide what branches shall be taught in each and all of said schools, provided that no other language than the English or German shall be taught therein, except with the concurrence of two-thirds of said board.

Board to establish primary schools.

High schools.

Branches to be taught.

SEC. X.* Admission to said schools shall be gratuitous to the children, wards, and apprentices of all actual residents in said districts, who may be entitled to the privileges of the public schools, under the general laws of this state: Provided, that said board shall have power to admit to said schools other pupils, upon such terms, or upon the payment of such tuition, as they may prescribe.

What scholars admitted.

SEC. XI. Said board shall have power to make all necessary regulations for said schools; to prescribe and enforce rules for the admission of pupils into the same, not inconsistent with the preceding section and the examination that pupils must pass preparatory to admission into the schools of higher grade than the primary; to sub-

General powers of the board.

* See section 4 of an act passed March 13, 1850, p. 106.

divide said school district, if they shall think proper; to select sites for school-houses; to superintend the building of the same, and to pay therefor, their appurtenances, furniture and apparatus; to borrow money for the erection of school-houses, upon a majority vote of said district therefor, and to incur all other expenses of said school system, and pay the same from the public moneys of said district.

[*As amended March 6, 1861. 58 Stat. 26.*]

How long
schools to be
kept in each
year.

School tax,^{*}
how levied
and collected.

Not to exceed
four mills on²
the dollar.

Rate bills.

SEC. XII. It shall be the duty of said board to keep said schools in operation not less than thirty nor more than forty-four weeks of each year; to determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expenses of said schools, except for the erection of school-houses and the purchase of sites, and, on or before the first day of July, of each year, to make known the amount of such tax to the auditor of the county in which said district is situate, and thereupon it shall be the duty of said auditor to assess the same upon the taxable property of the said district, as the same appears on the grand list in his office; and the said tax shall be collected by the county treasurer in the same manner and at the same time with the state and county taxes, and when collected, shall be paid over to the treasurer of said board: Provided, however, that the tax to be assessed under this section, shall not exceed four mills on the dollar upon the taxable property of said district, as the same appears upon the grand list:* Provided further, that in case the amount so authorized to be raised, together with the other school moneys of said district, shall be insufficient to support said schools for the portion of the year mentioned in this section, that said board of education may require such sum as may be necessary to support the same for the residue of said time, to be charged, at the discretion of the board, upon the tuition of the pupils attending such schools: Provided, however, that the children of indigent parents, or orphans who are unable to pay such charges, shall not be excluded from said schools for the non-payment of the same; and it shall be the further duty of said board to keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for the choice of directors in said district, to make report of such receipts and the sources from which the same were derived, and of said disbursements and the objects to which the same were applied; and they shall also make report, at the same time, of such other matters relating to said schools as they may deem the interest of the same to require.

* See section 22 of general school law, as amended March 18, 1864.

SEC. XIII. That said board of education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein, one to serve for one year, one for two years, and one for three years, from the time of their appointment, and until their successors shall be appointed; and annually thereafter said board shall appoint one examiner, to serve for three years, and until his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death, removal, or otherwise. Said examiners, or any two of them, shall examine any person that may apply for that purpose, with the intention of becoming teachers in any of the schools in said district; and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give the said applicant a certificate, naming the branches in which the holder of said certificate was found qualified to teach, and no person shall be permitted to teach in said schools without such certificate;* and said examiners may, in all cases where two of their number concur, have power to annul such certificate, and, when so annulled, the person holding the same shall be discharged as a teacher of said schools; said examiners shall also, separately or otherwise, together with said board of education, or any of them, or such persons as they may appoint or invite, visit said schools as often as once in every term, and observe the discipline, mode of teaching, progress of the pupils, and such other matters as they may deem of interest, and make such suggestions, and report thereupon to said board, as they may think proper, which report may be published at the discretion of the board.

Board shall
appoint school
examiners.

Duty of exam-
iners.

SEC. XIV. Upon the adoption of this act in the manner herein provided, by any city, town, village, or district, all laws now in force therein, inconsistent herewith, are hereby repealed.

Acts repealed.

SEC. XV. That said board of education, or the treasurer thereof, shall have power to collect any charge or account for tuition, in the same manner as the treasurer of any common school district in this state is now, or may hereafter be, authorized to collect any such charge or account.

Treasurer may
collect charges
for tuition.

JOHN G. BRESLIN,
Speaker of the House of Representatives.
BREWSTER RANDALL,
Speaker of the Senate.

* See sections 45 and 46 of general school law, as amended March 28, 1864. Certificates must be issued for not less than six months nor more than two years.

CHAPTER IV.

AKRON SCHOOL LAW.

An act for the support and better regulation of common schools in the town of Akron.*

[*Passed February 8, 1847. 46 vol. Stat. 105.*]

Six directors shall be elected.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio,* That the electors in the town of Akron, in the county of Summit, qualified to vote for members of the town council, shall, at the time and place of holding

* An act to provide for extending the provisions of an act entitled "An act for the support and better regulation of common schools in the town of Akron," and the amendatory acts thereto, to the cities and incorporated towns of this state.

[*Passed February 14, 1848. 46 vol. Stat. 48.*]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every incorporated town or city in this state, shall have the provisions of the act entitled "an act for the support and better regulation of common schools in the town of Akron," and the amendatory act thereto, passed by the forty-sixth general assembly of this state, extended to all or any of the said incorporated towns or cities, wherever two-thirds of the qualified voters thereof shall petition the town or city council in favor of having the provisions of said acts so extended.

Election of directors.

SEC. 2. That whenever two thirds of the qualified voters of any city or incorporated town shall petition the town or city council in favor of having the provisions of said acts extended to said city or incorporated town, the electors qualified to vote for members of the town or city council, shall assemble at the time and place within said town or city, at which at least ten days' previous notice shall be given by the city or town council, by posting written or printed notices in at least three of the most public places in said city or incorporated town, and then and there proceed to the election of six directors, by ballot, who shall serve, and in all respects be governed by the provisions of the act entitled "an act for the support and better regulation of common schools in the town of Akron," and the act amendatory thereto; and the common schools in said city or incorporated town shall, in all respects, be governed and organized according to the provisions of said acts.

How number of voters ascertained.

SEC. 3. That the last preceding election in said city or incorporated town, shall be the basis upon which to determine the number of qualified voters.

Repealing clause.

SEC. 4. That all acts, or parts thereof, inconsistent with the provisions of this act, are hereby repealed: *Provided*, that this act shall not extend to, nor be in force in the city of Cincinnati.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.
CHARLES B. GODDARD,
Speaker of the Senate.

* An act to amend an act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, and the acts amendatory thereto.

[*Passed March 15, 1849. 47 vol. Stat. 445.*]

Boards of education may adopt certain laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education in any city, town or village, which has adopted the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, and the acts amendatory thereto, may adopt the eleventh, twelfth, and fifteenth sections of the act entitled "an act for the better organization of the public schools in cities, towns," etc., passed February 15, 1849, whenever, in the opinion of said board of education, the educational interests of such city, town, or village, may require it.

SEC. 2. All acts, or parts thereof, inconsistent with the provisions of this act, are hereby repealed.

JOHN G. BRESLIN,
Speaker of the House of Representatives.
BREWSTER RANDALL,
Speaker of the Senate.

the annual election for said members of the town council, in the year one thousand eight hundred and forty-seven, meet and elect six directors of the common school for said town of Akron; two of whom shall serve for one year, two for two years, and two for three years; the order of seniority to be determined by lot, by such directors, after the election; and annually thereafter, at the time and place above specified, there shall, in like manner, be two directors elected, who shall serve for three years, and until their successors are elected and qualified. All vacancies which may occur, shall be filled by the town council.

SEC. II. The said directors, within ten days after their first appointment as aforesaid, shall meet and organize, by choosing from their number a president, secretary, and treasurer; and such treasurer, before he enters on the duties of his said office, shall give bond and security, to be approved by the town council, and filed in the office of the mayor of said town, conditioned for the faithful disbursement of all moneys that shall come into his hands as such treasurer, which bond shall be made payable to the state of Ohio; and when such bond shall be forfeited, it shall be the duty of the town council to sue and collect the same, for the use of the common schools in said town; and the said directors, so organized and qualified, and their successors in office, shall be a body politic and corporate in law, by the name of "The Board of Education of the town of Akron," and, as such, and by such name, shall be authorized to receive all moneys accruing to said town, or any part thereof, for the use and benefit of the common schools in said town; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this state; and shall also be capable of receiving any gift, grant, donation, or devise, made for the use of the common schools in said town; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of said treasurer; and no money shall be paid out of the treasury, except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

Board of education, officers, powers, etc.

SEC. III. That said board shall hold their meetings at such time and place as they may think proper; that any four of said board shall constitute a quorum; that special meetings may be called by the president, or by any two members of the board, on giving two days' notice of the time and place of holding such meetings; but at no special meeting, except all the directors be present, shall any resolution in relation to sites for school-houses, or

Meetings of the board.

financial resolution, or order be passed, unless the two days' notice as aforesaid be given, and the subject or subjects to be acted on, be specified in the notice, and a quorum of at least four members be present.

Shall have
control of com-
mon schools,
etc., in Akron.

SEC. IV. That said board of education shall have the entire management and control of all the common schools in said town of Akron, and of all the houses, lands, and appurtenances already provided and set apart for common school purposes, as well as those hereafter to be provided for the same purposes; and the said town of Akron, from and after the first Tuesday in June next, after the passage of this act, shall constitute in law, but one school district; and all moneys accruing to said district for school purposes, under any law of the state, shall be paid over to the treasurer for said board of education.*

SEC. V.† It shall be the duty of said board of education, so soon as they may realize sufficient funds for the purpose, to establish within the bounds of the town corporate of Akron, six or more primary schools, to be located in different parts of the town, so as best to accomodate the inhabitants, in which the rudiments of an English education shall be taught. It shall be the further duty of said board to establish a central grammar school in said town, where instruction shall be given in "the various studies and parts of study" not provided for in the primary school, and yet requisite to a respectable English education. To each school in this system there shall be gratuitous admission for the children, wards, and apprentices of all residents of the town corporate of Akron, and such other persons in the immediate vicinity as may own property, charged with a school tax in said town corporate of Akron, with the following restrictions, namely: No pupil shall be admitted to the grammar school who fails to sustain a thorough examination in the studies of the primary school; and the teacher shall have power, in either school, with the advice and direction of the board

* See section 2 of an "act relating to common schools," passed April 10, 1856, p. 107.

† An act supplementary to an act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847.

[Passed March 19, 1860.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the boards of education in the town of Akron, or in any city, town or village, which has adopted the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, shall have power, at their discretion, to provide for the establishment of German schools for the instruction of such youth as may desire to study the German language, or the German and English languages together.*

SEC. 2. This act shall take effect and be in force on its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of Senate.

of education, to exclude for misconduct, in extreme cases, and to classify the pupils as the best good of the school shall seem to require: Provided, however, the said board of education shall not make any rules which will exclude from said primary school any scholar who, by the general laws of this state, would be entitled to admission into the common schools, within said town* and said board shall not so appropriate the school fund, which, by the provisions of this act, shall come under their control, as to reduce the amount applicable to the support of said primary schools, below the sum to which, under the general laws of this state, the common schools within said town would be entitled.

SEC. VI. The said board of education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools, to employ teachers, male and female, and pay them a suitable compensation, to purchase all necessary books and apparatus, to select sites for school-houses, and superintend the building of the same upon their own plan, and to pay for the lands, and houses, and furniture, as well as other expenses of said school system, from the public moneys in the hands of the treasurer.

Power of board.

SEC. VII.† The said board of education, within thirty days after their organization, shall report to the town council of Akron the number and description of buildings

Town council to levy taxes for school purposes.

* See section 4 of an act passed March 13, 1850, p. 106.

† An Act to amend the act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847.

[Passed January 28, 1848. 46 vol. Stat. 110.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* [Amended by an act passed April 30, 1862, and repealed by the school act passed March 18, 1864.]

SEC. 2 The board of education of the town of Akron shall have full power and authority to determine what branches of education shall be taught in any and all of said schools under their management and control; and said board shall also have power, at their discretion, to restrict the right of admission into any and all of said schools, to the children, wards, and apprentices of actual residents, within the limits of the town corporate of Akron, with power to admit scholars from abroad, upon such terms and conditions as said board shall see fit to prescribe.

Powers of the board of education.

SEC. 3. That on or before the first Monday of June, in each year, it shall be the duty of the said board of education to make known to the auditor of the county of Summit, the amount of tax which they may want levied for school purposes during the current year; and thereupon it shall be the duty of said county auditor to assess the taxable property in said town of Akron, as the same appears upon the grand list; and the said tax shall be collected by the county treasurer at the same time with the state and county taxes, and in the same manner, and, when collected, the amount shall be paid over to the treasurer of said board of education.

Duties of auditor and treasurer.

SEC. 4. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed.

Repealing clause.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.
CHARLES B. GODDARD,
Speaker of the Senate.

necessary for the purposes of the common schools in said town, which report shall be in writing, and shall specify the amount of money necessary to be raised to meet the expense of erecting such buildings; and such board shall also specify, in said report, the amount of money necessary to be raised, in addition to the money accruing to said town under the general school laws of the state, to defray all the other expenses of said school system during the current year; and thereupon the said town council shall proceed to levy a tax sufficient to meet such expenses of buildings and repairing school-houses, and the expenses attendant upon the maintenance of said free schools in Akron, during the whole year, customary vacations only excepted, said tax to be levied and collected as other taxes of said town are or may be collected. And it shall be the duty of said board, on or before the first Monday in April, in every year thereafter, to make report, in writing, to the town council of all moneys received, how and for what purpose expended, with the proper vouchers, and such other information in relation to said schools as they may deem important, specifying in said annual report the amount of money necessary to be raised by taxation, to defray the expenses of said school system for the current year; and said town council shall, annually, upon the coming in of such report, and within thirty days thereafter, proceed to levy a tax sufficient to meet such expenses, to be levied and collected as other taxes of said town.* And the town council shall cause all such reports of the board of education to be published, or so much thereof as they may deem necessary, the reports themselves to be left with the mayor of the town, open to public inspection.

Reports of
board.

Titles to
land.

SEC. VIII. All legal titles to lands and houses, and other property used for common school purposes in said town of Akron, shall vest in the town council of Akron at the taking effect of this act, and all titles acquired thereafter shall be in the name of said town council; and said town council shall have power to sell, lease, and convey any and all of the lands and tenements held under and by virtue of this act, and to purchase other lands and tenements in more eligible positions, by and with the advice of said board of education, but not otherwise.

Examiners of
teachers and
schools.

SEC. IX. The town council shall, immediately after the appointment of directors as hereinbefore provided, appoint three competent persons to serve as school exam-

* Modified; see section 3 of the act of January 28, 1848. Tax not to exceed four mills on the dollar; see section 22 of general school law, as amended March 18, 1864, and supplementary act, passed March 8, 1865, p. 40.

iners of said town, all of whom shall be citizens of Akron,* one to serve until the first Tuesday in June, one thousand eight hundred and forty-eight; one until the first Tuesday in June, one thousand eight hundred and forty-nine; and one until the first Tuesday in June, one thousand eight hundred and fifty, and until their successors are qualified; and annually, at the first regular meeting of the town council after the annual election for members of that body, they shall appoint one person for examiner, to serve for three years, and until his successor is qualified; and the council shall fill all vacancies that may occur by death, removal, or otherwise. The examiners, or any two of them, shall examine such persons as may apply for that purpose, and, if they find the applicant qualified, they shall give him a certificate, naming the branches he is qualified to teach; that they have carefully inquired into his character, and believe it to be moral and good, and that they believe him to be well qualified to govern and teach;† they shall also, in every case where two of their number concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools in said town; they shall also, separately or otherwise, together with such other persons as may be appointed by the mayor, visit said schools at least as often as once in every quarter, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest; and semi-annually, at such times as the board of education shall [appoint], they shall report their proceedings to the town council, and also to the board of education, with such suggestions as they may think proper, the publication of which shall be in the discretion of the town council.

Repo'ts.

SEC. X. Annually, at such time as the board shall ap-

* An act supplementary to an act entitled "an act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847. 2.

[Passed March 19, 1860.]

Swan's Rev. Stat. 854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the board of examiners for any city, town, or village which has adopted the above recited act, and the acts amendatory thereto, shall state in the certificates they issue to teachers, the period of time for which said certificates shall be valid, which period shall not be less than six months nor more than two years; and no certificate shall be valid for any other period than that named in it.

Certificate of examiner to state time such certificate shall be valid.

SEC. 2. No person shall be permitted to teach in any of the public schools of said city, town or village, without such certificate, or for any other time than that specified in said certificate.

No person to teach without certificate.

SEC. 3. This act shall be in force from and after its passage.

RICHARD C. PARSONS,
Speaker of the House of Representatives.
ROBERT C. KIRK,
President of the Senate.

† See sections 45 and 46 of general school law, as amended March 18, 1864.

Public examination of schools.

point, public examinations of all the schools shall be had, under the direction of the mayor, council, the board of education, and the examiners.

Repealing clause.

SEC. XI. So much of the general school law, and so much of any and all other laws of this state, general or local, as may be inconsistent with this act, or any of its provisions, is hereby repealed as to said town of Akron.

Extended to Dayton.

SEC. XII. The power conferred upon the board of education of the town of Akron, in the fifth section of this act, is hereby conferred upon the managers of the common schools of the city of Dayton.

Right of repeal.

SEC. XIII. Any future legislature may alter, amend, or repeal this act.

WILLIAM P. CUTLER,
Speaker of the House of Representatives.
EDSON B. OLDS,
Speaker of the Senate.

CHAPTER V.

SCHOOL FUNDS.*—SCHOOL LANDS.

An act to establish a fund for the support of common schools.

[*Passed March 2, 1831. Took effect June 1, 1831. 29 vol. Stat. 423.*]

Fund established, etc.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby constituted and established a fund, to be designated by the name of the "common school fund," the income of which shall be appropriated to the support of common schools in the state of Ohio, in such manner as shall be pointed out by law; of which fund the auditor of state shall be the superintendent, until otherwise directed by law.

Auditor of state the superintendent.

And how to keep account of funds from sale of school lands.

SEC. II. That whenever and so often as any moneys shall be paid into the state treasury, arising from the sale of any lands which heretofore have been, or hereafter may be, appropriated by congress, for the use or support of schools in any original surveyed township, or other district of country, in this state, the auditor of state shall

* At the close of the last fiscal year, Nov. 15, 1864, the Irreducible School Fund, upon which the State pays an annual interest of six per centum, constituted a capital of \$3,163,578.45, as follows: Section Sixteen School Fund, \$2,514,578.23; Western Reserve School Fund, \$257,429.21; Virginia Military School Fund, \$172,958.83; U. S. Military School Fund, \$120,272.12; Section 29, Ministerial School Fund, \$93,282.09; Moravian School Fund, \$3,160.58; and Ohio University Fund, \$1,897.39. The interest due on the first of January, 1865, was \$190,526.71. For a full account of these several funds and the mode of distributing the interest on the same, see *School Laws*, edition 1862, pp. 55-62.

forthwith open an account, in a book or books to be provided for that purpose, and shall pass the said moneys to the credit of such township, or other district of country; which said money shall constitute an irreducible fund, the proceeds accruing from which shall be paid over and appropriated, in the manner which shall be pointed out by law, for the support of common schools within the township, or other district of country, to and for no other use or purpose whatever.

SEC. III. That all moneys paid into the state treasury as aforesaid, shall bear an annual interest of six per centum; which interest shall be cast from the time of the payment of any principal sum, up to the first day of January, next succeeding such payment, and on the first day of January, annually, thereafter; and where the same has not been done, the auditor of state shall, in a book or books to be provided for that purpose, open an interest account with every township, or other district of country, to which a credit in the irreducible fund aforesaid shall have been passed; and he shall, in such book or books, keep accurate accounts of the accrual and disbursement of all interest accruing from such fund, so as aforesaid belonging to any township or district of country; and the faith of the state of Ohio is hereby pledged for the annual payment of the interest aforesaid, to the person who, and in the manner which, shall be pointed out by law; which said interest shall be appropriated and expended for the support and maintenance of common schools within the township, or other district of country, entitled as aforesaid to the same.

SEC. IV. That for the payment of any interest that shall have accrued, and be payable to and for any township, or other district of country as aforesaid, the county auditor of the proper county shall, annually, on or after the first day of January, draw an order on the treasurer of state, in favor of the treasurer of the proper county, for the interest which shall be payable in such county; and upon such order being presented to the auditor of state, he shall thereupon certify an abstract of the amount of interest payable to each township, or other district of country, in such county; and thereupon, on presentation of said order, the treasurer of state shall pay the amount of interest appearing by said abstract to be due; and the said county treasurer, or the person presenting said order for him, shall indorse on said order a receipt for so much as shall be paid thereon, and shall also sign a duplicate receipt, which shall be lodged with the auditor of state, who shall credit the state treasurer therewith, and charge the several items constituting the aggregate of such abstract, to the proper township or other district of country;

Irreducible.

Rate of interest and account thereof.

Pledge for its payment.

Its appropriation.

O
an

Receipt, etc.

Distribution. and the money so drawn, shall be paid out by the county treasurer, on the order of the county auditor, in the proportions established by law, to the proper person or persons in each school district authorized to receive the same. And in all cases in which a county line shall divide any original surveyed township, or fractional part thereof, the interest, payable in such township, shall be received and disbursed in manner aforesaid, by the treasurer of the county wherein the greatest quantity of land belonging to such township shall be situate; but if it be uncertain in which county the greatest quantity of land in such township be situate, then the said interest shall be received and disbursed by the treasurer of the oldest county in which any part of such township shall be situate.

Donations and bequests to vest in common school funds, etc. SEC. V. That whenever any donation or devise shall be made, by gift, grant, last will and testament, or in any other manner whatever, of any estate, either real, personal, or mixed, to the state of Ohio, or to any person, or otherwise, in trust for the said common school fund, by any individual, body politic or corporate, the same shall be vested in said common school fund; and whenever the moneys arising from such gift, grant, or devise, shall be paid into the state treasury, the proper accounts thereof shall be kept, and the interest accruing therefrom shall be appropriated according to the intent and design of such donor, grantor, or deviser.

General fund established. SEC. VI. That there shall be constituted a fund for the support of common schools, which shall belong, in common, to the people of this state; which shall consist of the net amount of the money which heretofore has been, or hereafter may be, paid into the state treasury, from the sales of the lands commonly called the salt lands, and such donations, legacies, and devises as may be made to such fund, or to any person or persons, in trust for the same. And the state of Ohio is hereby pledged to pay the interest, annually, on any and all sums of money which shall have been, or may hereafter be, paid into such treasury, from the passage of this act, or the receipt of such money into the treasury aforesaid; and the interest arising as aforesaid, shall be funded annually, until the first day of January in the year eighteen hundred and thirty-five; after which time the said interest shall be annually distributed to the several counties in this state, in proportion to the number of white male inhabitants above the age of twenty-one years, as by law shall be ascertained, for the apportionment of representatives; and the proportion of interest, due to each and every such county, shall be distributed for the support of common schools, in the respective counties, in the manner prescribed in the act to provide for the support and better regulation of common schools.

Of what to consist.

State pledged for the interest.

Interest funded until 1835.

How distributed afterward.

[The balance of the chapter is probably superseded by the act organizing the sinking fund. The provisions are retained in Swan's Revised Statutes.

It is also questionable whether the state common school fund, organized in section 6, is in existence. If so, the act of March 6, 1844, adds to it "all moneys arising from licenses to peddlers, all moneys arising from auction duties, or licenses to auctioneers, except in the county of Hamilton; and all fines and penalties collected under the laws relating to each of said funds;" but the same act limits the fund, however derived, to \$200,000.

The doubts grow out of the language of section 63 of the general school act (chapter 1. *ante*), namely: "The state common school fund *shall hereafter consist* of such sum as will be produced by the annual levy and assessment of one mill and one-half mill on the grand list of taxable property, etc. The late revisers, Swan and Curwen, regard those provisions as yet in force, and the repeal is exclusively by implication. The following act stands on the same footing:"]

An act to increase the general fund for the support of common schools, established by the sixth section of the act to establish a fund for the support of common schools, passed March 2, 1851, by the appropriation of the proceeds of the swamp lands to that fund.

[*Passed March 24, 1849. 49 vol. Stat. 40.*]

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That the net proceeds which may hereafter be paid into the state treasury, from the sales of swamp lands granted to the state of Ohio, by act of congress, passed September 28th, 1850, be and the same is hereby appropriated to the general fund for the support of common schools; and the state of Ohio is hereby pledged to pay the interest, annually, on any and all sums of money which may be paid into the state treasury, from the sales of said lands, from the receipt of such money into the treasury aforesaid; and the interest arising as aforesaid, shall be funded annually, until the first day of January, in the year eighteen hundred and fifty-five; after which time the said interest shall be annually distributed to the several counties in this state, in proportion to the number of white male inhabitants above the age of twenty-one, as by law shall be ascertained, for the apportionment of representatives; and the proportion of interest due to each and every such county, shall be distributed for the support of common schools in the respective counties, in the manner prescribed in the "act to provide for the support and better regulation of common schools."

Proceeds of sales of swamp lands to be added to the common school fund.

JOHN F. MORSE,

Speaker of the House of Representatives.

CHARLES C. CONVERS,

Speaker of the Senate.

SALE OF SECTION SIXTEEN.

An act to regulate the sale of School Lands and the surrender of permanent leases thereto.

[*Passed April 16, 1852. 50 vol. Stat. 168.*]

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That all those lands granted by the congress

Section sixteen school lands may be sold.

of the United States for school purposes, known as section sixteen, together with all such as have been granted in lieu of said section sixteen, may be sold, and such sale shall be regulated by, and conducted according to, the provisions of this act.

[*As amended March 21, 1861. 58 Stat. 28.*]

How vote of
the citizens
shall be taken.

SEC. II. In cases where there has been no vote taken for the sale of any such land, the trustees of any original surveyed township to which such lands may belong shall, at least thirty days prior to the taking of any such vote, cause not less than eight notices to be posted up in as many of the most public places of such township, notifying the legal voters resident therein to meet at some convenient place and time therein specified, and then and there cast their ballots for or against the sale of any such lands belonging to such township; and if such vote result in a refusal to sell said lands, the trustees may, in the same manner, authorize the taking of a subsequent vote or votes as often as they may deem proper: Provided, that no such subsequent vote shall be taken until one year shall have elapsed since the last preceding vote.

Same subject.

SEC. III. The trustees of the township shall preside at the taking of such ballots, and shall appoint two clerks, who shall keep two poll books, containing the names of the voters and the result of the ballot, which poll books shall be signed by the trustees and clerks; and in case such ballot shall result in favor of a sale, the trustees shall, within ten days after such election, deposit one of said poll books with the auditor of the county within which such lands (or the greater portion thereof) may be situated, with a copy of the notice given, and the affidavit of one or more of the trustees, stating the manner of giving said notices, and the time and place of putting up the same; which notices, affidavit and poll book shall be by said auditor copied into a book for that purpose to be provided, and when so recorded, such record shall be proof of the facts therein stated.

Trustees to pe-
tition court of
common pleas.

SEC. IV. When such record has been made, the trustees of such township to which said lands belong shall file a petition in the court of common pleas of the county within which said lands (or the greater portion of them) may be situate, setting forth the giving of said notice, the taking of said ballot, the result of the same, the filing and recording of the aforesaid papers in the office of the auditor of the proper county, and asking the court to appoint three disinterested freeholders, not resident of the township in which the land may be situated, to divide and value the same in money.

SEC. V. If such court shall be satisfied that the statements made in the petition are true, the court shall appoint three persons to divide and appraise the same, according to the prayer of such petition; and said appraisers, after being first duly sworn before some officer authorized to administer oaths, and taking to their aid, if they think necessary, the county surveyor, shall proceed to divide said lands into such parcels or tracts as, in their opinion, will be best for the sale thereof, and return in writing such divisions, suitably numbered and described, to the said court, with a just valuation of each separate division, in money.

Court to appoint appraisers.

SEC. VI. The court, on such return being made, and having been by said court examined, and found in all things regular, just and fair, shall certify the same, and order the same to be entered of record, together with the petition, and all the proceedings therein had; a copy of which the trustees shall cause to be filed in the office of the auditor of the proper county, who shall copy the same into a book containing the notice, affidavit, and poll book aforesaid, and immediately following the same.

Returns, etc., to be recorded.

SEC. VII. The auditor of the county, on the recording of said proceedings, shall forthwith cause a notice to be published in some newspaper of general circulation in said county, for six consecutive weeks before the day of sale; and, at the same time, by posting up copies of such notice in six of the most public places in said county, two of which shall be in the township where the lands are situate, and one at the court-house, containing a description of the lots or lands to be sold, the valuation thereof, and the time when said land shall be offered at public auction, by said auditor, at the door of the court-house, at not less than the appraised value thereof; one-twelfth of the purchase money to be paid at the time of sale, and the balance in eleven annual installments, of equal amount, with annual interest thereon; and said auditor shall, at such time and place, proceed to offer the same to the highest bidder, at or over the appraisement, and on the terms stated in said notice.

County auditor to advertise sale.

SEC. VIII. In case said lands, or any part thereof, shall not be sold as aforesaid, the auditor may continue to offer the same on the application, in writing, of the trustees of the township to which said lands may belong, at any future time or times, until they shall be sold, having first given the like notices herein provided to be given on the first sale thereof: Provided, that no sale shall be had on any valuation made more than two years prior to the day of the sale.

Same.

SEC. IX. The court of common pleas aforesaid is hereby required, on the petition of the trustees aforesaid, setting

Re-appraisement.

forth the former appraisement and the subsequent proceedings thereto, and that two years have elapsed, and the land remaining unsold, to direct a new valuation of the same to be made in the manner hereinbefore directed, unless said court, on testimony, shall be satisfied that the former appraisement is a just and fair valuation of said lands; in that case, the court shall make an entry of the fact, which entry shall be certified to, and recorded by the auditor, in manner aforesaid, and shall have the same effect as a new appraisement.

In cases of
permanent
leases, etc.

SEC. X. In case said lands are held under permanent leases, or leases for ninety-nine years, the legal or equitable holder of any such lease, wishing to surrender the same, and to purchase the fee of the premises so held by lease, may, with the consent of the trustees of the original township to which such lands belong, file his petition in the court of common pleas of the county in which the largest portion of such lands are situate, setting forth a description of the premises so held, the state of his lease, or his title thereto, that he is desirous of surrendering such lease and becoming the owner of the premises in fee, and asking the court to appoint three disinterested freeholders of the county, and not resident of the township wherein such lands are situate, to value the same; and the court, on being satisfied of the truth of the facts set forth in such petition, shall appoint such appraisers, who shall proceed, under oath, to make a just valuation of the premises in money, without reference to the improvements made thereon, under and by reason of said lease, and shall return such valuation, in writing, to said court; and the said court, if it shall be satisfied that said valuation is just, shall confirm the same, and order it, with the petition and other proceedings therein, to be recorded: Provided, that before the trustees of any original surveyed township shall consent to the surrender of any lease, as provided in this act, they shall cause the proposition to be submitted to the electors of said township, at an election to be held and conducted in conformity to the provisions of the second section of this act: and if, at such election, a majority of the electors shall vote to such surrender, then, and not otherwise, said trustees shall consent to the surrender, in manner and form as herein provided.

SEC. XI. Any such lessee, on producing to the auditor of the proper county, within one year after the making of the same, a certified copy of such petition and appraisement, and confirmation, shall be permitted, by endorsement thereon, attested by the auditor, to release to the state of Ohio all his interest, title, and claim, in and to such lease, for the benefit of the township to which the same may belong; which certified copy of said record

Same subject.

and said release, shall be recorded in a book for that purpose to be provided.

SEC. XII. The purchaser of any such lands, at any auditor's sale, or the lessee of any such land held under such lease, on executing his release, as aforesaid, shall each, forthwith, pay to the treasurer of the county one-twelfth of the purchase money in the first case, and one-twelfth of the valuation in the second, and take the treasurer's receipt therefor; and the auditor, on receiving the treasurer's receipt for said first installment, shall give to said purchaser or lessee a certificate, containing the name of the purchaser or lessee, a description of the premises, the number, amount, and time of payment of the subsequent installments, and that said purchaser or lessee, their heirs or assigns, on the punctual payment of the sums still due, with annual interest up to the time of payment, shall be entitled to receive a final certificate from such auditor: Provided, that such lessee shall produce to the auditor the certificate of the proper officer, that all rents due on such premises have been paid up to the time of surrendering said lease.

Payments to
county treas-
urers, etc.

SEC. XIII. Any person wishing to pay any money under the provisions of this act, in part or full payment of any such lands, shall first obtain the certificate of the auditor, of the amount due, or to be paid; and on the presentation of the same, the treasurer is authorized to receive the amount therein specified, and shall give to the person paying the same a certificate, directed to the auditor, of the payment of said sum of money; and the auditor, on the presentation of said certificate, shall give to such person a receipt therefor, credit him with the amount in his books, and charge the treasurer therewith.

Same subject.

[As amended April 12, 1858. 55 Stat. 72.]

SEC. XIV. The county auditor shall keep an account with the county treasurer of all sales made and leases surrendered, and moneys paid thereon by each purchaser or lessee, and shall make a report of the same to the auditor of state on the first day of February, May, August and November, in each and every year, which report shall distinguish between the amount paid in as principal, and the amount paid in as interest, and from the time of such report the state shall be liable to pay interest on all such sums of principal so reported as paid, and the treasurer of state, on receiving a certified copy of the account from the auditor of state, shall be authorized immediately to draw said money paid in as principal, from the county treasurer; and the amount so reported as interest shall be retained in the county treasury and

County audi-
tor to report
sales to audi-
tor of state.

Interest ap-
portioned.

apportioned to the several civil townships and parts of civil townships in the original sarveyed township, or fractional township to which said land belongs.

In case of failure or purchaser to pay, lands to be re-sold, for cash.

SEC. XV. If any such purchaser or lessee shall fail to make any payment on any tract of land, for the space of twelve months after the time the same shall become due and payable, the auditor of the proper county shall forthwith proceed to sell such tract or tracts of land, with all the improvements thereon, at the door of the court-house, to the highest and best bidder therefor, in cash, having first given notice of the time and place of such sale, containing a description of the lands, and the money due and to become due thereon, by publishing the same in some newspaper of general circulation in said county, for six consecutive weeks before the day of sale; and on such sale, no bid shall be entertained for a sum which will not be sufficient to pay all the purchase money due to the state, and all expenses incident to such sale; and in case the said premises can not be sold for that amount, they shall revert to the state, in trust for said township, and be sold in the manner hereinbefore provided for the sale of such lands not under permanent leases, or leases for ninety-nine years.

Purchaser to receive certificate.

SEC. XVI. When said lands sells as aforesaid, the purchaser shall pay to the treasurer of the county the amount so bid for said premises; and on producing to the auditor the treasurers' receipt for such payment, the auditor shall give him a final certificate, stating the fact of such sale, the name of the purchaser, the description of the lands sold, the amount for which sold, the payment of the same, and that the purchaser is entitled to receive, from the state of Ohio, a deed in fee simple for the same, on producing to the proper officer this certificate.

Final certificate.

SEC. XVII. When any purchaser or lessee, their heirs or assignees, shall have made payment in full, the auditor shall give to such person a final certificate, containing, in addition to the former one, the fact of the payment in full, and that said person is entitled to receive, from the state of Ohio, a deed in fee simple for said premises, on the presentation of this certificate to the proper officer or officers.

Deed from the state.

SEC. XVIII. The auditor of state, upon the filing of any such final certificate in his office, shall make out the draft for a deed therefor, and deliver the same, with such final certificate, to the governor of the state, who shall sign said deed, and cause the same to be sealed with the great seal of the state, and by him delivered to the grantee, on demand.

Excess of money, how disposed of.

SEC. XIX. All excess of moneys made on any sale of delinquent lands as aforesaid, after paying all sums

due, interest and costs, shall be paid, on demand, to such delinquent owner, his heirs or assigns, from the county treasury, on the order of the auditor, if such demand be made within one year from the time of such sale; and if not so demanded, it shall be paid into the state treasury; and, unless the same shall be demanded within one year after the same shall have been paid into the state treasury, it shall be applied for the same uses as the lands are subject to.

SEC. XX. The fees for services under this act shall be as follows: The court shall tax such fees on any petition filed in the same, as are allowed for similar services on proceedings in chancery. The county auditor to be allowed one dollar and fifty cents on each sale made by him; for each certificate, fifty cents; for each receipt, six cents, to be paid by the purchaser, and the same fees for recording as is allowed to county recorders, to be paid out of the first moneys paid in as interest or rents, on such sale or surrender. All printers' fees for advertising, shall be paid out of the county treasury, on the order of the auditor, and refunded out of the first moneys received on such sale, as interest or rents. The cost in court shall, in case of a petition by the trustees, be paid out of the county treasury, on the order of the county auditor, and refunded out of the first moneys received from the sale, as interests or rents; in case of a lessee being petitioner, all costs shall be paid by him. Fees.

SEC. XXI. The act entitled "an act to provide for the sale of section sixteen, granted by congress for the use of schools," passed January 29, 1827; the act entitled "an act to extend the time of payment to purchasers of school lands in this state," passed January 3, 1843; the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February 2, 1843; the act entitled "an act to amend an act entitled an act to extend the time of payment to purchasers of school lands in this state," passed March 6, 1844; the act entitled "an act to amend the act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February 2, 1843, passed March 12, 1844; the act entitled "an act to fix the minimum price of the sales of school lands," passed March 4, 1845; and the act entitled "an act to amend an act entitled an act to extend the time of payment to purchasers of school lands in this state, and an act amendatory thereto," passed February 1, 1847, be, and the same are hereby repealed; Provided, such repeal Acts repealed

shall not impair, or in any manner affect any rights or interests acquired under any of said acts.*

JAMES C. JOHNSON,
Speaker of the House of Representatives.
WILLIAM MEDILL,
President of the Senate.

An act to confirm sales made by the trustees of the civil townships of section sixteen, and other lands granted by congress in lieu thereof, to purchasers.

[*Passed April 5, 1856. 53 vol. Stat. 63.*]

Preamble.

WHEREAS, in many counties of the state of Ohio, through misapprehension of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February 2, 184 ; also of an act entitled "an act to regulate the sale of school lands and the surrender of permanent leases thereto, passed April 16, 1852, the trustees of the civil townships have sold section sixteen to various purchasers, who have purchased said lands in good faith, have paid the purchase money and taken possession of said lands, and in many instances made large improvements on the same; therefore, in order to cure the defects in the title of such purchasers to such lands, and to quiet them in the possession thereof,

Title confirmed.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio,* That such sales of section sixteen in the original surveyed townships or fractional townships, and all sales of land granted by the congress of the United States in lieu of said section sixteen, which have been made otherwise in conformity with the provisions of the acts recited in the foregoing preamble, be, and the same are hereby confirmed; and such purchasers and their assignees and heirs at law shall hold the purchases so by them made by a title as good and valid as though the proceedings for such sale had been instituted by the trustees of the original surveyed or fractional townships.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

An act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto.

[*Passed March 9, 1861. 58 Stat. 28.*]

SECTION I. *Be it enacted by the General Assembly of the State of Ohio,* That all those lands, granted by the congress

* An act to provide for the appointment of Register of the Virginia Military School lands, was passed February 22, 1852, 50 v. Stat. 108. As to the sale of Western Reserve School lands, see 46 v. Stat. 38 ; 48 v. Local Laws, 232 ; 48 v. Stat. 53.

of the United States for religious purposes, known as section twenty-nine, may be sold or the permanent leases thereto surrendered, and that said sale or surrender shall be regulated by, and conducted according to the provisions of an act to regulate the sale of school lands, and the surrender of permanent leases thereto, passed April 16, 1852.

SEC. II. That section sixteen, donated and set apart for the support of schools, and section twenty-nine for the purpose of religion, or lands granted in lieu of either, by the directors of the Ohio Company, on the 7th day of January, A. D. 1796, in the following original surveyed townships within the Ohio Company's purchase, to wit : township number eight, in range number twelve : township number seven, in range number thirteen ; township number eleven, in range number fourteen ; township number thirteen, in range number fifteen ; and townships number eight, nine, ten, eleven, twelve and thirteen, in range number sixteen, may be sold, or the leases thereto, whether permanent or otherwise, surrendered, and that said sale or surrender shall be regulated by, and conducted according to, the provisions of the act referred to in the first section of this act, and the lessees of any of said lands holding leases for any term less than ninety-nine years, shall be permitted to surrender their said leases in the same manner, and be entitled to all the benefits of the said act as if their leases were for ninety-nine years.

SEC. III. This act to be in force from and after its passage.

APPENDIX.

FORMS AND INSTRUCTIONS.

CHAPTER I.—FORMS FOR SCHOOL DIRECTORS.

[For Enumeration Forms, see Chapter III.]

I. NOTICE OF SUB-DISTRICT SCHOOL MEETING.

Notice is hereby given to the qualified voters of sub-district number —, — township, — county, Ohio, that the next annual school meeting for the election of a school director* in said sub-district, will be held at the school-house [or usual place] in said sub-district, on the second Monday of April, 186—, at — o'clock P. M.

By order of the Directors,
— — — — —, Clerk.

II. NOTICE OF SPECIAL SCHOOL MEETING.

Whereas, the qualified voters of sub-district number —, — township, — county, Ohio, failed to meet and elect a school director on the second Monday of April, 186—, as prescribed by law:

Therefore, we, the undersigned, qualified voters of the sub-district aforesaid, do hereby give notice that a special meeting of the qualified voters of said sub-district for the election of a school director,* will be held at the school-house of said sub-district on the — day of —, 186—, at — o'clock P. M.

— — — — —,
— — — — —,
— — — — —.

III. MINUTES OF SUB-DISTRICT SCHOOL MEETING.

SUB-DISTRICT, No. —,
— Township, — County, Ohio, }
— — — — —, 186—.

At a meeting of the qualified voters of said sub-district, held on the second Monday of April, 186—, [or, if a special meeting, give other date,] — — — — — was appointed chairman, and — — — — — secretary.

Whereupon, said voters proceeded to elect by ballot, one director for said sub-district, for the term of three years, [and one director for —

* When two directors are to be elected, one for three years, and one to fill the unexpired term of a director who has vacated his office, this fact should be stated in the notice.

year, to fill the unexpired term of — — —;] and upon inspection of the several ballots given at said election, it was found and publicly declared, that — — — was duly elected [for the full term, and — — — for the unexpired term.] — — —, Chairman.

— — —, Secretary.

NOTE.—The clauses in brackets may be omitted when only one school director is elected.

IV. CERTIFICATE OF ELECTION OF SCHOOL DIRECTORS.

— — —, — — —, 186—.

To the Clerk of — — — Township, — — — County, Ohio :

This is to certify that a meeting of the qualified voters of sub-district number — — —, — — — township, held on the second Monday of April, 186—, [or, if a special meeting, give other date] — — — was elected school director, for the term of three years.

Witness my hand.

— — —,
Clerk of Sub-District No. —.

V. OATH OF SCHOOL DIRECTOR.

On the — day of — — —, 186—, personally appeared — — —, and I then and there administered to him the following oath [or affirmation] :

You, — — —, do solemnly swear [or affirm] that you will support the constitution of the United States, and the constitution of the State of Ohio, and that you will faithfully and impartially discharge the duties of director, in and for said sub-district, number — — —, — — — township, — — — county, Ohio, according to law, and the best of your abilities.

— — —,
Director in said Sub-District.

VI. APPOINTMENT OF SCHOOL DIRECTOR.

— — —, — — —, 186—.

Whereas, — — —, one of the directors in sub-district number — — —, — — — township, — — — county, Ohio, has resigned, [died, or refused to serve, &c., as the case may be.]

Therefore, I do appoint — — — director in said sub-district, who shall hold his office until the time of the next annual meeting, and until his successor is elected and qualified.

— — —,
Clerk of said Township.

VII. MEETING OF SCHOOL DIRECTORS.

— — —, — — —, 186—.

The school directors of sub-district number — — —, — — — township, — — — county, Ohio, this day met at — — —, and legally qualified by taking the requisite oath of office.

Whereupon — — — was appointed clerk of said sub-district.

On motion, it was voted to employ — — — as teacher, at \$ — — — per month, and that the next term of school commence, etc.

— — —,
Sub-District Clerk.

VIII. CONTRACT BETWEEN DIRECTORS AND TEACHER.

This memorandum of agreement, made the — day of —, eighteen hundred and sixty —, between — a school teacher, of the one part, and —, — and —, as school directors of sub-district number —, — township, — county, Ohio, of the other part:

Witnesseth, that said — agrees to teach the public school of said sub-district for the term of — weeks, commencing on the — day of —, eighteen hundred and sixty —, for the sum of — per —; and that for said services properly rendered, said — and —, as directors as aforesaid, are then and there to certify in favor of said — for the amount of wages due him, as ascertained by this article of agreement.

Witness our hands.

— —, }
— —, } Local Directors.
— —, }

IX. CERTIFICATE FOR TEACHER'S PAY.

To the Clerk of — Township, — County, Ohio:

This is to certify, that —, under a contract duly made and entered into, taught a common school in sub-district number —, of said township, from the — day of —, 186—, to the — day of —, 186—, in all — weeks, at — per month; and that there is due him for said service the sum of —.

— —, }
— —, } Local Directors.
— —, }

X. CONTRACT FOR FUEL, REPAIRS, ETC.

This memorandum of an agreement, made this — day of —, eighteen hundred and sixty —, between —, of the one part, and —, — and —, as directors of sub-district number —, — township, — county, Ohio, witnesseth: That said — agrees to deliver at the school-house in said sub district, on or before the — day of — next, — bushels of coal of a good quality, at — cents per bushel. And said —, — and —, as trustees as aforesaid, are then and thereupon to certify in favor of said —, for the sum due for said fuel.

Witness our hands, &c.

— —, }
— —, } Local Directors.
— —, }
— —, }

NOTE.—All contracts made under section 7 of the school law must be reported to the township board at their next meeting

XI. CERTIFICATE OF AMOUNT DUE FOR FUEL, ETC.

—, —, 186—.

To the Board of Education of — Township, — County, O.:

This certifies that — has delivered at the school-house in sub-district number —, — township, — bushels of coal, under a contract duly made and entered into, and that there is due him on said contract the sum of \$—.

Witness our hands.

— —, }
— —, } Local Directors.
— —, }

XII. DISMISSAL OF TEACHER.

Whereas, it has been represented to us [or we have found] that ———, who has been employed and is now engaged in teaching a school in sub-district number ———, ——— township, ——— county, is negligent (*or here insert any other sufficient cause*) as such teacher. And, whereas, we have become satisfied of the truth of said representation:

Therefore, said ——— is hereby dismissed as teacher as aforesaid. Witness our hands, ———, 186—.

—————, }
 —————, } Local Directors.
 —————, }

Or: Whereas, we have been required by the board of examiners of ——— county, to dismiss ———, now engaged as a teacher in sub-district number ———, ——— township, and county aforesaid, for the following causes:

(*Here set forth the causes.*)

Therefore, said ——— is hereby dismissed as teacher as aforesaid. Witness our hands, ———, 186—.

—————, }
 —————, } Local Directors.
 —————, }

XIII. VISIT TO SCHOOL.

This day the undersigned, local directors in sub-district number ———, ——— township, ——— county, Ohio, in company with ——— and ———, who were invited for the purpose, visited the school in said sub-district, taught by ———, and the following was the result of the examination and visit:

They found, &c. (*Here set forth the opinion as to the management of the school, &c.*)

—————, }
 —————, } Local Directors.
 —————, }

CHAPTER II.—FORMS FOR TOWNSHIP BOARDS OF EDUCATION.

XIV. NOTICE OF MEETING TO ESTABLISH A HIGH SCHOOL.

Notice is hereby given by the board of education of ——— township, ——— county, that in the opinion of said board it has become desirable to establish a *central*, or *high* school in said township; that for such purpose it is necessary to levy a tax of ——— hundred dollars; and that on the ——— day of ———, at ——— o'clock —. —., there will be a meeting of the qualified voters of said township, at the place of holding elections in said township, when and where important questions will be submitted to the voters of said township, relative to the cost and location of the building, and other provisions necessary for the establishment of a central or high school in

said township, and also the amount of tax which shall be levied for the purpose.

_____, 186—.

By order of the Board,

_____, Clerk.

XV. NOTICE OF MEETING TO VOTE A TAX FOR BUILDING PURPOSES.

Notice is hereby given by the board of education of _____ township, _____ county, that there will be a special meeting of the qualified voters of said township at _____, on the _____ day of _____, at _____ o'clock —. —., to consider the question whether a tax of _____ hundred dollars shall be levied upon the taxable property of said township to build a school-house in sub-district number _____ of said township, the erection of such school-house being, in the opinion of the board, necessary, and the rate of tax which the law authorizes the board to levy being insufficient for the purpose.

By order of the Township Board,

_____, 186—.

_____, Clerk.

XVI. NOTICE OF SPECIAL MEETING OF TOWNSHIP BOARD.

Notice is hereby given that there will be a meeting of the board of education of _____ township, _____ county, on the _____ day of _____ at _____ o'clock —. —., at _____, to consider the question of _____, and other business which may be considered necessary to transact.

_____, 186—.

_____, Clerk.

XVII. CERTIFICATE OF ANNUAL ESTIMATES.

To the Auditor of _____ County:

It is hereby certified by the board of education of _____ township, _____ county, that the entire amount of money necessary to be assessed on the taxable property of said township, and expended therein, for school and school-house purposes, during the next school year, as directed in the twenty-second section of the general school law, as amended March 18, 1864, is _____ dollars, as follows:

For continuing sub-district schools	\$ _____
For incidental or contingent expenses	_____
For building purposes	_____
For payment of teachers in central township school..	_____
Total	\$ _____

By order of the Township Board,

_____, 186—.

_____, Clerk.

XVIII. CERTIFICATE OF ANNUAL ESTIMATES FOR JOINT SCHOOL.

To the Auditor of _____ County:

It is hereby certified by the board of education of _____ township, _____ county, having charge of the school in joint sub-district number —, composed of parts of _____ and _____ townships, that the

amount of money necessary to be assessed on the taxable property of said townships, to pay the expenses of said joint school during the next school year, as directed in the sixteenth section of the general school law as amended March 28, 1865, is _____ dollars, as follows :

_____ TOWNSHIP.

For continuation of joint school.....\$ _____
 For payment of all other expenses _____
 Total\$ _____

_____ TOWNSHIP.

For continuation of joint school.....\$ _____
 For payment of all other expenses _____
 Total\$ _____

The number of youth enumerated in September last, in the respective parts of the townships included in said joint sub-district, was as follows :
 _____ township, _____; _____ township, _____; total, _____.

By order of the Board of _____ Township.

_____, Clerk.

_____, 186-.

NOTE—In case the townships having territory in a joint sub-district are situated in different counties, a copy of the above certificate of estimates should be sent to the Auditor of each county.

XIX. DIFFERENT MODES OF ALTERING SUB-DISTRICTS.

1

Resolved by the Board of Education of _____ Township, That so much of sub-district number — as is bounded as follows : (describe boundary) be transferred and united with sub-district number —.

2

Resolved by the Board of Education of _____ Township, That sub-district number — is hereby abolished, and so much of the territory of said abolished sub-district as is bounded as follows : (describe boundary) is hereby transferred to and united with sub-district number —; and so much of said abolished sub-district as is not herein united with sub-district number —, is transferred to and united with sub-district number —. This resolution shall take effect on the — day of —, 18—.

3

Resolved by the Board of Education of _____ Township, That so much of sub-district number — as is bounded as follows : (describe boundary) be cut off from said sub-district, and that so much of sub-district number — as is bounded as follows : (describe boundary) be cut off from said sub-district, and that the territory thus cut off from sub-districts number — and — respectively, is hereby consolidated and formed into a new sub-district, and designated sub-district number — of _____ township.

Resolved by the Board of Education of _____ *Township, That sub-*
districts number — *and* — *are hereby abolished, and that the territory*
included in said sub-districts at the time of their abolishment is hereby
consolidated and formed into a new sub-district, and designated sub-district
number — *of* _____ *township. This resolution shall take effect on the*
— day of _____, 18—.

NOTE.—When a *new* sub-district is formed the township board should call a meeting of the qualified voters to elect local directors.

XX. NOTICE OF ELECTION IN A NEW SUB-DISTRICT.

WHEREAS, the Board of Education of _____ township, _____ county, did, at their last regular meeting, the third Monday of _____, abolish sub-district number — (*or sub-districts number — and —*) and form from the territory of said sub-district, and so much of sub-district number — as is bounded as follows: (*describe boundary*) a new sub-district, to be known as sub-district number —:

Therefore, notice is hereby given to the qualified voters of said sub-district, thus organized and designated, that a meeting for the election of three school directors will be held at _____ on the _____ day of _____, at — o'clock —., said election to be conducted as prescribed in section two of the general school law.

By order of the Township Board.

_____, Clerk.

_____, 186—.

NOTE.—Of the persons elected at such special meeting, the person receiving the highest number of votes will hold his office until the third annual election thereafter; the person receiving the next highest number until the second annual election; and the person receiving the next highest number until the first or next annual election.

XXI. ORGANIZATION OF A JOINT SUB-DISTRICT SCHOOL

RESOLUTION OF BOARD TRANSFERRING TERRITORY.

Resolved by the Board of Education of _____ *Township, That so*
much of sub-district number — *as is bounded as follows: (describe bound-*
ary) is hereby transferred, if the board of education of _____ *town-*
ship concur in such transfer, to the said _____ *township for school*
purposes, to form with so much of said township as is bounded as follows:
(describe boundary) a joint sub-district, the school house therein to be sit-
uated in said _____ *township.*

RESOLUTION OF THE BOARD RECEIVING THE TERRITORY TRANSFERRED.

Resolved, That the board of education of _____ *township hereby*
concurs in the action of the board of education of _____ *township*
transferring so much of said _____ *township as is bounded as follows:*
(describe boundary) to this _____ *township for school purposes, to form*
with so much of the territory of this _____ *township as is bounded as*
follows: (describe boundary) a joint sub-district with school house in this
— township.

NOTE.—In case the sub-district is formed temporarily, or for a definite number of years, a clause to that effect should be added to each of the above resolutions.

XXII. APPOINTMENT OF ACTING MANAGER.

_____, 186-.

This day the board of education of _____ township, _____ county, met, and, deeming it necessary, did appoint _____ acting manager of schools for said township, and empowered him to perform the following duties:

1. To, &c.

By order of the Board.
_____, Clerk.

XXIII. ASSIGNMENT OF SCHOLARS TO CENTRAL HIGH SCHOOL.

The board of education of _____ township, _____ county met this day and assigned the following scholars to the Central High School:

From sub-district No. —:

A. B.

C. D.

Etc.

From sub-district No. —:

E. F.

G. H.

Etc.

(The assignments from each sub-district being specified in like manner.)

By order of the Township Board,
_____, Clerk.

XXIV. APPOINTMENT OF LIBRARIAN.

_____, 186-.

The board of education of _____ township, _____ county, has this day appointed _____ to act as librarian, and to take charge of the school apparatus of said township, for the term of — year.

By order of the Board.
_____, Clerk.

XXV. BOND OF LIBRARIAN.*

Know all men by these presents, that we, _____ and _____, are held and bound unto the State of Ohio in the sum of _____ hundred dollars, for the payment of which we jointly and severally bind ourselves, our and each of our heirs, administrators and assigns. Sealed with our seals this _____ day of _____, eighteen hundred and sixty —.

The condition of this obligation is such, that whereas the board of education of _____ township, _____ county, on the _____ day of _____, eighteen hundred and sixty —, appointed and authorized said _____ to act as librarian and to take charge of the school apparatus in district No. — of said township.

Now, if said _____ shall faithfully, honestly, and impartially, and in accordance with such rules and regulations as may, from time to time, be prescribed by said board, discharge his duty under and by virtue of said

* This bond is authorized but not required by law.

appointment, for the term of — year, and until his successor shall be duly appointed, then his obligation shall be void.

_____, [SEAL.]
_____, [SEAL.]

Attest:

_____.

XXVI. ORDER ON TOWNSHIP TREASURER FOR TEACHER'S PAY.

_____, _____, 18—.

No. —.

To the Treasurer of _____ Township, _____ County, Ohio:

Pay _____ dollars for services as teacher in sub-district number —, of said township, from _____, 186—, to _____, 186—, in all _____ weeks, at _____ per _____.

_____,
Township Clerk.

\$—.

Received on the above order, _____, _____, 18—, of _____, Township Treasurer, the sum of _____ dollars.

_____, Teacher.

XXVII. ORDER ON TREASURER OTHER THAN FOR TEACHER'S PAY.

_____, _____, 18—.

No. —.

To the Treasurer of _____ Township, _____ County, Ohio:

Pay _____, or order, _____ dollars, for (*specify for what purpose the money is paid*) from the contingent school fund (*or from the school building fund.*)

By order of the Township Board.

_____, Clerk.

\$—.

Received on the above order, _____, _____, 18—, of _____, Township Treasurer, the sum of _____ dollars.

_____.

XXVIII. FORM OF DEED.

THIS INDENTURE, made the — day of _____, one thousand eight hundred and _____, between _____ and _____ his wife, of the county of _____, in the State of Ohio, parties of the first part, and _____, as township board of education of the township of _____, county and State aforesaid, party of the second part, witnesseth: That the said parties of the first part, in consideration of _____ to them duly paid before the delivery hereof, have bargained and sold, and by these presents do grant and convey, to the said party of the second part, its successors and assigns forever, [*here describe the premises,*] with the appurtenances, and all the estate, title and interest of the said parties of the

first part therein. And the said parties of the first part do hereby covenant and agree with the said party of the second part, that at the time of the delivery hereof the said parties of the first part were the lawful owners of the premises above granted, and seized thereof in fee simple absolute, and that they will warrant and defend the above granted premises in the quiet and peaceful possession of the said party of the second part, and its successors and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Sealed and declared in presence of

____ [SEAL.]
____ [SEAL.]

The State of Ohio, _____ County.

Personally appeared before me, _____ and _____ his wife, grantors in the above deed, and acknowledged the same to be their voluntary act and deed; and the said _____ being at the same time examined by me, apart from her said husband, and the contents of the above deed made known to her, she there declared that she voluntarily signed, sealed and acknowledged the same, and that she is still satisfied therewith.

Witness my hand and seal, this _____ day of _____, A. D. 186-.

NOTE—The board should carefully investigate the title to property before purchasing, and no school-house should be erected until a satisfactory title is obtained. The property should be declared in the corporate name of the "Township Board of Education," and not in the name of the directors.

XXIX. FORM OF LEASE.

THIS INDENTURE, made the _____ day of _____, one thousand eight hundred and _____, between _____, of the county of _____, in the State of Ohio, of the first part, and the township board of education of the township of _____, county and State aforesaid, of the second part, witnesseth: That the said party of the first part, for the consideration hereinafter mentioned, has demised, granted and leased, and does hereby demise grant and lease, unto the said party of the second part, its successors and assigns, [*here describe the premises,*] with all the privileges and appurtenances thereunto belonging. To have and to hold the said demised premises, with the appurtenances, for and during the term of _____ from the _____ day of _____; and the said party of the second part, for itself and its assigns, agrees to pay the said party of the first part, for the said premises, the annual rent of _____ dollars, in quarter yearly installments, on the _____ day of _____, respectively.

In testimony whereof, the said parties have hereunto set their hands and seals, this _____ day of _____, A. D. 186-.

In presence of

____ [SEAL.]
____ [SEAL.]
Chairman of the Board.
____ [SEAL.]
Clerk.

State of Ohio, _____ County.

Before me personally appeared _____, grantor in the above instrument, and acknowledged the same to be _____ voluntary act and deed, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto subscribed my name, this—
day of ——. A. D. 186—.

NOTE.—If the lease be for three years or more, it must be acknowledged, attested by two witnesses, and recorded. If for a less term, it need not be executed with these formalities. The time of paying rent may be filled up according to contract. The consideration may be money, or anything else, and the form varied accordingly.

CHAPTER III.—ENUMERATION FORMS.

XXX. ENUMERATION OF YOUTH IN SUB-DISTRICTS. I.

Enumeration of youth between the ages of five and twenty-one years, residing in
sub-district number —, — township, — county, Ohio.

Names of Parents or Guardians.	NAMES OF WHITE YOUTH.		No. of Section in which youth reside.
	Male.	Female.	
	NAMES OF COLORED YOUTH.		

RECAPITULATION.

Number of White Youth: Male, —; Female, —; Total, —.

Number of Colored Youth: Male, —; Female, —; Total, —.

We hereby certify the above to be a correct list of the white and colored youth in sub-district number —, — township, — county, as taken between the first and third Mondays of September, 186—.

_____,
_____,
_____, } *Local Directors.*

—, —, 186—.

NOTE.—This form is to be used in taking the enumeration of youth in sub-districts, no part of which is in the Virginia Military District, the United States Military District, the Western Reserve, or an original surveyed township or fractional township to which belongs section sixteen, &c. See section 9.

XXXII. ENUMERATION RETURNS OF TOWNSHIP CLERK TO COUNTY AUDITOR.

An abstract of the enumeration of youth between the ages of five and twenty-one years, in _____ township, _____ county, Ohio, taken and returned to the undersigned, clerk of said township, by the Local Directors of the several sub-districts, between the first and third Mondays of Sept., 186—.

NUMBER OF EACH SUB-DISTRICT.	NUMBER OF WHITE YOUTH.			NUMBER OF COLORED YOUTH.			Whole No. of white and col- ored unmar- ried youth of both sexes be- tween the ages of 5 and 21 yrs in each sub-dis- trict.	*	*	*	*
	Total.		Male.	Female.	Total.						
	Male.	Female.									
Sub-District No. 1.....											
" " 2.....											
" " 3.....											
" " 4.....											
" " 5.....											
" " 6.....											
Total.....											

I certify the foregoing to be correct.

Ohio,

_____, Township Clerk.

186—.

NOTES.—In case the whole or a portion of the township is situated in the Virginia Military District, United States Military District, or in Connecticut Western Reserve, or in case the township includes the whole or a part of an original surveyed township entitled to the rent or interest of "Section Sixteen," or other land in lieu thereof, the number of youth in said districts, or original surveyed township, should be reported in the blank columns, marked thus (*), with proper headings.

The local directors of a joint sub-district are required to take the enumeration of all youth of school age, resident therein, and to return a certified copy of such enumeration to the clerk of each township having territory in such joint sub-district, stating in each case the number of youth residing in the joint sub-district as a whole, and also in each of the fractional parts of which it is composed. The enumeration in each fractional part of a joint sub-district must be returned to the County Auditor by the Clerk of the township in which such fractional part is situated.

CHAPTER. IV.—FORMS FOR CLERKS, TEACHERS, AND TREASURERS.

[For Form for Clerk's Order for Teachers' Pay, see Chapter II.]

XXXIV.—BOND OF TOWNSHIP TREASURER AS TREASURER OF SCHOOL FUNDS.

Know all Men by these Presents, That we, — —, — —, and — —, of ——— county, Ohio, are held and firmly bound, to the State of Ohio, in the sum of — dollars, for the payment of which we do jointly and severally bind ourselves, our and each of our heirs and legal representatives. Sealed with our seals and dated this — day of —, in the year 186—.

The condition of this obligation is, that, whereas, the said — —, was, on the — day of —, 18—, duly elected treasurer of — township, — county. Now, if said — —, as treasurer, shall faithfully disburse and pay over, according to law, all such school or other funds, and moneys, as shall, from time to time, come into his hands for school purposes, then this obligation is to be void; otherwise to be and remain in full force.

—— —, [SEAL.]
 —— —, [SEAL.]
 —— —. [SEAL.]

Executed in presence of

—— —,
 —— —.

NOTE.—This can readily be altered to apply to a city treasurer, or the treasurer of any separate school district, as provided in section 34 and supplemental section I.

XXXV. CERTIFICATE OF TREASURER'S BOND.

To the Auditor of ——— County:

—— —, 186—.

It is hereby certified that — — has executed and filed with me a bond for the faithful disbursement, as a treasurer of — township, — county, of all school funds that may come into his hands as such treasurer; which bond, dated April —, 186—, is in the penalty of — dollars, and has been approved by the trustees of said township.

—— —,
 Clerk of said Township.

NOTE.—The above can be altered so as to apply to the bond of the treasurer of a separate school district, as provided in section 34 and supplemental section I.

XXXVI. FINAL RECEIPT OF TOWNSHIP TREASURER.

Received, —— —, 186—, of —— —, late treasurer of —— township, —— county, the following moneys and school property, to-wit: —— dollars, being part and parcel of the —— fund; also, &c.
 —— —, Treasurer.

XXXVII. FINAL RECEIPT OF TOWNSHIP CLERK.

Received, ——— —, 18—, of ——— —, late clerk of ——— township, the school money account-book, the record book of the township board, the copy of the school laws, the certificate and reports of teachers, required by law to be filed in his office, and the other official books and papers relating to schools, in his hands.

————— —,
Clerk of said Township.

NOTE.—The incoming clerk should be specially careful to receive all the books and documents specified in the above receipt.

XXXVIII. TEACHER'S DAILY REGISTER.

Daily Register of Sub-District No. —, ——— Township, ——— County, O., for the Term commencing ———, 1866, and ending ———, 1866.
[——— Term of School Year.]

Names of Pupils.		MARCH.												APRIL.												Total days present.	Total days absent.				
		14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6			7	8	9	
No.		M	T	W	Th	F	S		M	T	W	Th	F	S		M	T	W	Th	F	S		M	T	W	Th	F	S			
1	Charles Ames....	x	x	/	/	x	...	4	x	x	x	x	\	...	5	x	x	\	x	\	...	4	x	x	...	x	x	...	4	17	3
2	Willis Ames....	x	x	x	...	...	...	3	x	x	x	x	x	...	5	x	x	x	x	x	...	5	x	x	...	x	x	...	4	17	3
3	John Brown....	x	x	x	x	\	...	4½	x	x	x	...	x	...	4	x	x	w	...	x	...	1	x	x	...	...	...	...	9½	1½	
4	Floyd Smith....	...	...	x	x	x	...	3	x	...	x	\	x	...	3½	x	x	x	x	x	...	5	x	x	...	x	x	...	5	16½	1½
5	Frank Spencer..	...	...	...	...	...	...	...	...	...	...	...	x	...	...	x	x	x	x	x	...	5	x	x	...	x	x	...	4	9	1
6	Mary Ames....	x	x	x	x	x	...	5	x	x	x	x	x	...	5	x	x	x	x	x	...	5	x	x	...	x	x	...	5	20	0
7	Jane Abbott....	...	...	x	x	x	...	3	x	\	x	/	x	...	4	x	x	x	/	x	...	3½	x	x	...	x	x	...	5	15½	2½
8	Carrie Dodge....	x	x	x	x	x	...	5	x	/	x	x	x	w	4	x	x	x	x	x	...	4	...	...	...	...	...	...	13½	7	7
9	Anna Smith....	x	x	x	x	x	...	5	...	...	...	...	...	...	0	x	x	x	x	x	...	5	x	x	...	x	x	...	4	14	6
10	Sally Turner....	...	...	...	...	...	...	...	x	x	x	x	x	...	5	/	x	x	x	\	...	4	x	x	...	x	x	...	5	14	1
11	Sarah Bell.....	...	...	...	...	...	...	...	...	...	...	...	x	...	2	/	x	x	x	x	...	4½	/	x	...	x	/	...	10½	1½	1½
Av. age.....		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total { Days present..		...	...	...	...	...	...	32½	...	...	...	...	...	...	38	...	...	...	...	...	...	46	...	...	...	...	...	...	40	156½	21½
Days absent..		...	...	...	...	...	...	3½	...	...	...	...	...	...	9	...	...	...	...	...	...	4	...	...	...	...	...	...	5	...	...

NOTE.—The above presents a very simple and convenient mode of keeping a daily record of the attendance of pupils. An oblique line made from right to left (/) indicates that a pupil was present in the forenoon; \ an oblique line made from left to right (\) that he was present in the afternoon; and two oblique lines crossing each other (X) that he was present both forenoon and afternoon. "w" indicates that a pupil is withdrawn. A pupil is not counted as *absent* before he enters school, nor after he has withdrawn. A record of the punctuality of each pupil may also be kept by placing a small figure denoting the number of minutes of tardiness just above the mark of attendance; or tardiness in the forenoon may be denoted by a dot thus, (X.). The above form is filled and footed to illustrate the method.

Term Register of Sub-District School No. _____, _____
For the Term commencing _____

TERM OF

[illegible]

DIRECTIONS TO TEACHERS.

1. NAMES OF PUPILS.—Arrange the names of pupils in alphabetical order, with at least one blank line between the names of the two sexes.
2. DAYS PRESENT.—Write in this column the number of days each pupil was in attendance during the term.
3. DAYS ABSENT.—Report only the number of days the pupil was absent while a member of the school. Do not count the days before he entered nor after he was withdrawn.
4. PUPILS ENROLLED PREVIOUS TERM.—If the report is made for the SECOND or FINAL term of the school year, place a check-mark (x) in this column opposite the names of all pupils enrolled the previous term. If the report is made for the FIRST term of the school year, *this column is not to be filled*, since the "previous term" in that case would not be in the current school year.

TERM REGISTER.

186—, and ending _____ Township, _____ County, Ohio.

SCHOOL YEAR. _____, 186—.

_____, Teacher.

OF STUDY PURSUED.

Mental Arithmetic.	Written Arithmetic.	Geography.	English Grammar.	Oral Lessons.	Composition.	Drawing.	Vocal Music.	U. S. History.	Algebra.	REMARKS.	GENERAL SUMMARY.		
											No. of Pupils Enrolled.		
											Male.	Female.	Total.
											No. Enrolled Previous Term. (For 2d Term.)		
											Male.	Female.	Total.
											Average Daily Attend'ce.		
											Male.	Female.	Total.
											Average Daily Absence.		
											Male.	Female.	Total.
											Average Age of Pupils.		
											Male.	Female.	Total.
											Name of Author of Text-Book.		
											Reading:		
											Spelling:		
											Writing:		

5. BRANCHES OF STUDY.—To denote that a pupil pursued a given branch of study, place a figure one (1) in the proper column, opposite the pupil's name. If he pursued the same study the previous term of the current school year, place a figure two (2) in the proper column. Under the head of "Alphabet" mark those pupils that received their first lessons in reading, whatever the mode of teaching. By "oral lessons" is meant all regular oral instruction, whatever the subjects thus taught; book lessons are not included.

6. RULE FOR FINDING THE AVERAGE DAILY ATTENDANCE.—Add together the number of days the different pupils were in attendance, and divide the sum by the number of days the school was in session. The average daily absence is found in a similar manner.

7. RULE FOR FINDING THE AVERAGE AGE OF PUPILS.—Divide the sum of the ages of all the pupils by the number of pupils.

(N. B.—This Report must be made out and filed with the Township Clerk before an order is issued on the Treasury for the amount due the Teacher for his services. The Clerk should carefully examine the same to see that it is "full and complete," as is required by law.")

XL.—TEACHER'S REPORT TO THE TOWNSHIP CLERK.

Report of School in Sub-District No. _____, _____ Township, _____ County, Ohio, for the term commencing _____, 186_____, and ending _____, 186_____.

No.	NAMES OF PUPILS.	Age.	No. of days present.	No. of days absent.	Pupils enrolled previous term (See Direction 5.)	BRANCHES OF STUDY PURSUED.												REMARKS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
						Alphabet.	Reading.	Spelling.	Writing.	Mental Arithmetic.	Written Arithmetic.	Geography.	English Grammar.	Oral Lessons.	Composition.	Drawing.	Vocal Music.		U. S. History.	Algebra.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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1	Charles Ames.....	8	17	3	X	2	2	2	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

RECAPITULATION AND GENERAL REPORT.

School.	No. of Pupils Enrolled.			No. of Pupils Twice Enrolled. (Direction 5.)			Average Daily Attendance.			Average age of pupils.	No. of weeks in session.	No. of school days in a week.	Wages of teacher pr. mo. (4 weeks.)	Was teacher boarded by sub-district? (Yes or No.)	Value of school house and grounds.	Value of apparatus.
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.							
Sub-District No. 1.....	5	6	11	3	4	7	3.4	4.4	7.8	10.3	4	5	\$35	No.	\$	\$

BRANCHES OF STUDY TAUGHT, NUMBER OF PUPILS IN EACH, AND NAME OF TEXT-BOOK.

Branch of Study.	No. of Pupils.	Both Terms.	Name of Text-Book.	Branch of Study.	No. of Pupils.	Both Terms.	Name of Text-Book.
Alphabet.....	1	.....	.....	Oral Lessons	4	1	.....
Reading.....	11	7	.....	Composition.....	6	4	.....
Spelling.....	11	7	.....	Drawing.....	7	4	.....
Writing.....	9	6	.....	Vocal Music.....	10	.....	.....
Mental Arithmetic.....	6	4	.....	U. S. History.....	.....	.....	.....
Written Arithmetic.....	6	3	.....	Algebra.....	.....	.....	.....
Geography	6	4	.....	.....	.....	.....	.....
English Grammar.....	4	2	.....	.....	.....	.....	.....

The above report is correct.

Teacher of Sub-District No. _____

N. B.—The above blank is partially filled from the daily record on page 147 to illustrate the method. For directions, see next page.

TEACHER'S REPORT TO THE TOWNSHIP CLERK—*Concluded.*

DIRECTIONS TO TEACHERS.

1. **SCHOOL YEAR.**—The school year begins on the first day of September and ends on the last day of the following August. Two terms (or quarters) of school are usually taught each school year in each sub-district. The second term should close on or before the last day of August.

2. **NAMES OF PUPILS.**—Arrange the names of pupils in alphabetical order, with at least one blank line between the names of the two sexes.

3. **DAYS PRESENT.**—Write in this column the number of days each pupil was in attendance during the term.

4. **DAYS ABSENT.**—Report only the number of days the pupil was absent while a member of the school. Do not count the days before he entered nor after he was withdrawn.

5. **PUPILS ENROLLED PREVIOUS TERM**—If the report is made for the SECOND or final term of the school year, place a check-mark (X) in this column opposite the names of all pupils enrolled the previous term. If the report is made for the FIRST term of the school year, *this column is NOT to be filled*, since the "previous term" in that case would not be in the current school year. The number of pupils' names thus checked (X) should be entered in the "Recapitulation and General Report," in the columns headed "*No. of Pupils Twice Enrolled.*"

6. **BRANCHES OF STUDY.**—To denote that a pupil pursued a given branch of study, place a figure one (1) in the proper column, opposite the pupil's name. If he pursued the same study the previous term of the current school year, place a figure two (2) in the proper column. In making a report for the SECOND TERM, give in the columns headed "*Both Terms,*" the number of pupils that pursued the same study both terms of the school year. An occasional exercise in a given study should not be considered.

7. **ALPHABET.**—Under this head report the number of pupils that received their *first lessons in reading*, whatever the mode of teaching.

8. **ORAL LESSONS.**—Include *all* pupils that received *regular oral instruction*, whatever the subjects thus taught; book lessons are not included.

9. **REMARKS.**—Opposite each name enter a "remark," stating from what school the pupil was received, if registered in another school in the same township or district, at any time *during the school year*; or what school he entered, if transferred or withdrawn *during the year*. The object of these remarks is to show in what school the pupil was *last registered*.

10. **RULE FOR FINDING THE AVERAGE DAILY ATTENDANCE.**—Add together the number of days the different pupils were in attendance, and divide the sum by the number of days the school was in session. The average daily absence is found in a similar manner.

11. **RULE FOR FINDING THE AVERAGE AGE OF PUPILS.**—Divide the sum of the ages of all the pupils by the number of pupils.

12. **A SCHOOL MONTH** consists of four weeks, the number of school days in each week depending upon the particular custom of the township or district. When the school is taught five days each week, twenty days will make a month; when taught five and one-half days each week, twenty-two days will make a month.

13. **TEACHER'S BOARD.**—If the teacher "boarded around," or if his board was paid for by district in *addition* to his wages, the answer to the question on this subject will be "yes;" if the teacher boarded himself, the answer will be "no."

14. **SCHOOL HOUSES AND APPARATUS.**—An estimate of their value can easily be obtained of the directors of the sub-district. Report to the Township Clerk, on a separate piece of paper, the condition of the school house, school furniture, and school apparatus (outline maps, etc.); also, the repairs needed.

High School.....	
German and English School.....	
Colored School.....	
Total.....	

(Additional columns may be ruled for other branches, if needed.)

[illegible]

The columns headed "*True Enrollment*" need not be filled unless the clerk wishes to find the number of *different* pupils enrolled in *each* school. The true enrollment of all the schools in the township may be found by subtracting the number of pupils "*twice enrolled*" from the SUM of the enrollments for the two terms ("*total for the year*"). The number of pupils "*twice enrolled*" is the number reported in the teachers' reports for the *second* term of the year as "*enrolled the previous term.*" The number of pupils *twice* enrolled should be accurately reported, as each pupil enrolled in the township must be counted but *once*.

XLII. REPORT OF THE BOARD OF EDUCATION

Of _____ Township, _____ County, Ohio.

TO THE COUNTY AUDITOR, FOR THE SCHOOL YEAR ENDING AUG. 31, 186-.

(To be forwarded to the County Auditor on or before the first day of October.)

RECEIPTS.

Amount of school moneys received during the year from the following sources, viz:

Balance on hand September 1, 186-.....	\$	_____
State Tax.....	_____	_____
Irreducible School Funds (See Direction 1).....	_____	_____
Township Tax for School and School-house Purposes.....	_____	_____
Fines, Licenses, Tuition of non-resident Pupils, and other Miscellaneous Sources.....	_____	_____
Amount received from "adjoining townships" for support of Joint Sub-district School (See Direction 1).....	_____	_____

Names of adjoining Tps.	State Funds.	Tp. Tax.	Total.
_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____

Total receipts.....\$ _____

EXPENDITURES.

Whole amount paid Teachers during the year—	
Com'n, \$—; High, \$—; Germ'n, \$—; Col'd, \$—; Total, \$—	_____
For Sites, Buildings and Repairs.....	_____
For Fuel, and other Contingent Expenses.....	_____
Amount paid to other townships for support of Joint Sub-district Schools.....	_____

Names of adjoining Tps.	State Funds.	Tp. Tax.	Total.
_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____

Total Expenditures.....\$ _____

Balance on hand September 1, 186-.....\$ _____

(Continued on next page.)

ENROLLMENT, ATTENDANCE, NUMBER AND WAGES OF TEACHERS, ETC.

SCHOOL	1. No. of Schools in town-ship. (See Direction 2.)	2. No. of different pupils enrolled. (See Direction 3.)			3. Average daily attendance. (See Direction 4.)			4. No. of different teachers employed. (See Direction 5.)		5. Average wages of teachers per month of 4 weeks. (See Direction 6.)		6. No. of sub-districts that boarded teachers. (See Direction 6.)	7. No. of weeks schools were in session during the year. (See Direction 7.)		8. (*)
		Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Male.	Female.		Weeks.	Months.	
Common
Central or High.....
German and English..
Colored
Total

(*) 8. Number of weeks each Sub-district School was taught during the year: Sub-district No. 1, —; No. 2, —; No. 3, —; No. 4, —; No. 5, —; No. 6, —; No. 7, —; No. 8, —; No. 9, —; No. 10, —; No. 11, —; No. 12, —.

(Continued on next page.)

SUB-DISTRICTS, SCHOOL-HOUSES, APPARATUS, ETC.

Number of Sub- districts in Township: Single,—; Joint,—
Total

(Joint Sub-districts to be reported *only* in township in which *school house* is located.)

2. Number of Sub-districts that contain a Graded School of two or more departments (See Direction 2.).....
 3. Number of school days in a week (in a majority of the sub-districts)
 4. Number of school-houses erected during the year.....
 5. Cost of the same.....\$
 6. Whole number of school-houses in township.....
 7. Total value of school-houses and grounds.....\$
 8. Condition of school-houses.....
 9. Value of school apparatus.....\$
 10. Condition of school apparatus.....
 11. How were colored youth of school age (if any) in the township provided with school advantages?.....
- (Answer will be "By separate schools," or "By admission to common schools," or "Were not provided.")
12. Amount paid by the Board for their instruction in separate school, if not admitted to the common schools.....\$
 13. Has the Board appointed an acting manager of schools? (Yes or No.).....

SCHOOL LIBRARY.

1. Has the Board complied with the requirements of section 9 of the school law, passed March 18, 1864?.....
2. Has the Board appointed a township librarian?.....
3. Whole number of library books in township.....
4. Condition of library books.....

BRANCHES OF STUDY TAUGHT AND NUMBER OF PUPILS IN EACH.

Branches of Study.	No. of Pupils.*	Name of Author of Text Book.
Alphabet.....
Reading.....
Spelling.....
Writing.....
Mental Arithmetic.....
Written Arithmetic.....
Geography.....
English Grammar.....
Composition.....
Drawing.....
Vocal Music.....
Map Drawing.....
Oral Lessons.....
U. S. History.....
Algebra.....
Physiology.....
Physical Geography.....
Natural Philosophy.....
German.....

(Continued on next page.)

PRIVATE SCHOOLS.

(These items are not required to be reported by law, but clerks will greatly oblige the Commissioner by reporting them as fully as possible.)

1. Number of private or select schools in township..... ———
2. Number of teachers employed therein..... ———
3. Number of weeks these schools were in session during the year. ———
4. Number of pupils enrolled : Male,—; Female,—; Total..... ———
5. Branches of study taught..... ———

I certify the foregoing to be correct.

By order of the Board of Education :

—————, *Clerk*
 ———— Ohio, ————, 186—.

EXPLANATIONS AND DIRECTIONS.

The accompanying blank must be filled out and forwarded to the County Auditor *on or before* THE FIRST DAY OF OCTOBER. In case the Clerk of the Board fails to discharge this duty, Auditors are instructed to enforce the penalty provided in section 5 of the school law, passed March 18, 1864. By section 67 a failure to make the report will forfeit township's share of school funds. Clerks are instructed to fill the blanks in accordance with the following directions :

1. RECEIPTS AND EXPENDITURES.

By "Irreducible School Funds" is meant all funds received from the State as interest on the Virginia Military, United States Military, or Western Reserve School Funds, and the rent of or the interest on the proceeds of the sale of "Section Sixteen."

All money paid by non-resident pupils for tuition in any school in the township must be reported under the head of *Receipts*.

All school moneys paid by the adjacent townships for the support of a joint sub-district school must be reported by the respective boards of such townships, as a separate item, under the head of *Expenditures*, and the moneys thus received from the adjacent townships by the board having charge of such joint school, must be reported by said board as a separate item, under the head of *Receipts*.*

All claims upon the school fund for expenses incurred during the school year, should be settled and orders drawn upon the treasurer for their payment *previous to August 31*; and all such orders, whether paid or not by the treasurer previous to August 31, must be reported by the clerk in the expenses for the school year. All school terms must close previous to August 31. In case a Fall term of any school is held, commencing before the first of September, the *entire* term must be reported in the next school year.

2. NUMBER OF SCHOOLS.

There will usually be as many common schools in a township as there are sub-districts or school houses. When a sub-district school is sufficiently large to employ two or more teachers, and is organized on the graded plan, it should be reported as but *one* school. Such a school is a sub-district graded school. A joint sub-district school should be reported *only* by the clerk of the township in which the school-house is located. The entire joint sub-district, so far as reports are concerned, must be regarded as within such township.*

*NOTE.—All funds for the support of a joint sub-district school are required by law to be paid over to the board of education having charge of such joint school, and the expenses, enrollment, etc., of such joint school are *all* (enumeration excepted) to be included in the school returns of the township in which the school house is situated. See section 1 of an act passed March 23, 1865.

Every sub-district school is made by law a *common school*, and should, in no instance, be reported as a "German and English School." A "German and English School" is one regularly organized in *addition* to the sub-district schools. Like a colored school, it is organized for a *class* of pupils. and is *not*, therefore, a *common* sub-district school. When a portion of the pupils in a sub-district school are taught to read German as well as English, the German should simply be reported as a branch of study.

Every school organized specially for colored youth must be reported as a colored school, whether taught for a longer or shorter period of time.

3. NUMBER OF DIFFERENT PUPILS ENROLLED.

This item is often reported incorrectly, owing to the fact that many pupils are enrolled *twice* each year—once each term. Having found the whole number of pupils, male and female, enrolled in all the schools of the township each term, the true enrollment for the year may readily be found by *subtracting the number of pupils enrolled twice* (both terms) *from the sum of the enrollments for the two terms*. Suppose, for example, the township enrollment for the first term was 190 boys and 165 girls; for the second term 150 boys and 170 girls; and that 50 boys and 60 girls were enrolled *twice*, or both terms. The number of different boys enrolled during the year would be 190 plus 150—50=290 boys. The number of different girls enrolled, 165 plus 170—60=275 girls.

Another method is to find the "true enrollment" of *each* sub-district for the year, by subtracting the number of pupils enrolled twice from the aggregate enrollment for the two terms, and then adding these several true enrollments of sub-districts together.

The first method is much the shorter, but it will be a good plan to use both.

4. AVERAGE DAILY ATTENDANCE.

When the two terms are of *equal* length, the average daily attendance may be readily found by *adding together the term averages and dividing by 2*—the number of terms. Suppose, for example, the average daily attendance of a school for the first term of 12 weeks was 20 boys and 18 girls, and for the second term of 12 weeks, 16 boys and 21 girls. The average attendance of the boys for the year is found thus: 20 plus 16=36. 36 divided by 2=18 boys. The average attendance of the girls is found in the same manner.

When the two terms are *not* of equal length, the average attendance of each school is found by *multiplying the average for each term by the number of weeks in such term, and dividing the sum of the two products by the whole number of weeks in both terms*. Suppose, for example, the average attendance for the first term of 18 weeks was 30 boys and 25 girls; of the second term of 12 weeks, 16 boys and 20 girls. The average attendance of the boys for the year is found thus: 30 times 18=540. 16 times 12=192. 540 plus 192=732. 732 divided by 30 (18 plus 12)=24.4, boys' average attendance. The average attendance of the girls is found in the same manner.

The average daily attendance for the township will be the sum of the averages of the several schools.

5. NUMBER OF TEACHERS.

By the "number of different teachers employed" is meant the number of *different persons* employed in the schools as teachers during the year. This number, owing to changes, will usually be greater than the number of teachers employed during any given month or term.

If all teachers were employed for the entire school year, and no changes occurred during the year, how many teachers would be needed? The answer is the "number of teachers necessary to supply the schools," which will generally be the same as the number of schools.

6. AVERAGE WAGES OF TEACHERS.

Add together the monthly salaries of the several male teachers employed, and divide the sum by the whole number of male teachers. The quotient will be the average monthly wages of male teachers. In like manner the average monthly wages of female teachers may be found. In giving the "number of sub-districts that boarded teachers," report only those in which the teacher "boarded around," or which otherwise paid for the teacher's board in *addition* to his wages.

7. AVERAGE NUMBER OF WEEKS THE SCHOOLS WERE IN SESSION.

Having found the number of weeks *each* school was in session during the year, divide the sum of the same by the whole number of schools in the township. If there is a remainder, annex two cyphers, and continue the division to *hundredths*. Write the number of weeks under "weeks," and the fractional part under "hundredths." In reporting the number of weeks each sub-district school was taught, *be sure and include BOTH TERMS*.

If it is the custom in a majority of the sub-districts to close the schools on every Saturday, *five days* should be reported as a school week; if the schools in a majority of the sub-districts are closed only on every other Saturday, *five and one-half days*.

8. NUMBER OF PUPILS IN EACH BRANCH OF STUDY.

Add together the number of pupils reported each term, and from the sum subtract the number of pupils that pursued the study *both* the first and second terms of the year. If 25 pupils were in geography the first term, 18 the second, and 10 of them pursued the study both terms, the number of different pupils in geography was 25 plus 18—10=33. The names of all text-books regularly used in the schools must be reported.

9. PRIVATE SCHOOLS.

It is not expected that clerks will be able to report accurate statistics of these schools. Please give as full information as possible. When the number of pupils enrolled, etc., is not known, make an estimate—a good "guess." Colleges, seminaries, and large academies are not to be reported by clerks.

XLIII.—TOWNSHIP TREASURER'S GENERAL ACCOUNT WITH TOWNSHIP.

Treasurer of _____ Township, _____ County, O., in account with said Township for School Funds.

Receipts.	Tuition Fund.	School-house and Conting't.	Expenditures.	Tuition Fund.	School-house and Conting't.
1865.					
Sept. 1 Balance in Treasury.....	\$550 60	\$115 40	Nov. 9 Repairing School House in Sub-Dist. No. 2, Voucher No. 1.....		\$18 50
" 7 Sale of School House in Sub-Dist. No. 3.....		90 00	" 12 Fuel for Sub-Dist. No. 4, Voucher No. 2.....		9 60
Oct. 20 Tuition of 3 pupils in " " 1.....	12 00		" 12 " " 2, Voucher No. 3.....		12 50
			" 20 " " 1, Voucher No. 4.....		13 00
			1866.		
			Jan. 15 Four sets of maps for Sub-Dists., Vouch No. 5.....		60 00
			Mar. 1 Bal. in Treasury on settlement with Auditor, Voucher No. 6.....	562 60	91 80
	562 60	205 40		562 60	205 40
1866.					
Mar. 1 Balance in Treasury on settlement.....	562 60	91 80	Mar. 5 Teacher in Sub-Dist. No. 3, 3 mos., Vouch No. 7	\$99 00	
" 2 School Funds rec'd from Co. Treasurer—			8 " " 1, 4 " " 8	120 00	
State Tax.....	350 40		8 " " 2, 4 " " 9	128 00	
Interest on School Lands.....	90 75		15 " " 4, 3 1/2 " " 10	122 50	
Township Tax.....	90 00	490 70	April 20 Painting School House in Sub-District No. 1, Voucher No. 11.....		50 00
April 1 Tuition of 2 pupils in Sub-Dist. No. 1.....	8 00		May 1 Four Sch'l Reg'r's for Sub-Dists., Vouch. No. 12		6 00
Aug. 2 School Funds from County Treasurer—			20 John Coon, for building School House in Sub-Dist. No. 3 (part payment) Voucher No. 13.....		400 00
State Tax.....	243 80		Aug. 24 Teacher in Sub-Dist. No. 1, 3 mos. Vouch. No. 14	98 00	
Interest on School Lands.....	45 60	280 50	" 24 " " 2, 3 1/2 " " 15	100 00	
Township Tax.....	50 35		" 27 " " 3, 4 " " 16	120 00	
Fines and Licenses.....	10 00		" 30 " " 3, 4 " " 17	132 00	
			" 30 John Coon, balance due on School House in Sub-Dist. No. 3, Voucher No. 18.....		200 00
			" 31 Balance in Treasury.....	537 00	207 00
	\$1,456 50	\$863 00		\$1,456 50	\$863 00

NOTE.—This is also the form to be used by Township Clerks in keeping an account of all school moneys received and disbursed in their respective townships, as prescribed in supplemental section. See Laws. The heading may be changed when used by Township Clerks; and in making entries under the head of Expenditures the number of the orders drawn by them should be given. For Directions to Clerks and Treasurers, see page 164.

XLIV. TOWNSHIP TREASURER'S ACCOUNT WITH THE SEVERAL SUB-DISTRICTS.

Treasurer of Township, County, Ohio, in account with Sub-District No. 1.

Date.	Apportionment.	Tuition fund.	School-House and Conting't.		Expenditures.	Tuition fund.	School-House and Conting't.
1865.				1865.			
Sept. 1.....	Balance in Treasury	\$130 20	\$30 10	Nov. 20.....	90 bushels of coal.....		\$13 00
Oct. 20.....	Tuition of three non-resident pupils.	12 00		1866.			15 00
1866.				Jan. 16.....	One set of Outline Maps.....	\$120 00	
Mar. 2.....	State tax and School Lands.....	94 75		Mar. 8.....	Teacher for four months' services.		50 00
Mar. 2.....	Township Tax.....	9 00	37 50	Apr. 20.....	Painting School House.....		1 50
Apr. 15.....	Tuition of two non-resident pupils.	8 00		May 1.....	One School Register	98 00	
Aug. 20.....	State Tax and School Lands.....	58 96		Aug. 24.....	Teacher for three months' services.		14 60
Aug. 20.....	Township Tax.....	10 07	26 50	Aug. 31.....	Balance in Treasury.....	104 98	
						322 98	94 10

NOTE.—This is also the form to be used by Township Clerks in keeping an account with the several sub-districts. The heading may be changed and the number of orders entered.

DIRECTIONS TO CLERKS AND TREASURERS.

1. The account of the "School-house and contingent fund" should be kept in the first two columns on the right-hand side of each page; and the account of the "Tuition fund" in the next two columns.
2. For each order drawn or paid, make two entries—one in the general township account of school funds, and the other in the account of the proper sub-district.
3. In case the township Board of Education do not apportion the school-house and contingent fund among the several sub-districts, but keep it as a general fund, the sub-district account may be made to balance by entering in the proper columns in the account of "Apportionment" (left-hand page) the amount expended for school-house and contingent purposes as shown in the account of "Expenditures" (right-hand page.)
4. All school moneys *received from* adjacent townships for the support of a joint sub-district school should be entered in the general account under the head of *Receipts*, and in the proper joint sub-district account under the head of *Apportionment*. All moneys *paid* to adjacent townships for the support of a joint sub-district school should be entered in the general account under the head of *Expenditures*.
5. All money paid by non-resident pupils for tuition in any school of the township, must be paid to the Treasurer and entered in the general account under the head of *Receipts*, and also in the account of the proper sub-district under the head of *Apportionment*.
6. The Treasurer's general account should be balanced at the time of the annual settlement with the Auditor in February, and also at the close of the school year. The Treasurer's sub-district account and both the general and sub-district accounts of the clerk need be balanced only at the close of the school year. The sub-district account, if properly balanced and separated, may be kept for two years on the same page.
7. The Board of Education are required by law "to make settlement with the Township Treasurer at their regular session in April annually." At this settlement the Clerk's and Treasurer's books should be carefully compared.
8. At the expiration of their terms of official service, the Township Clerk and Treasurer are required by law to deliver to their successors in office this book and all other official books and papers relating to schools, in their hands.

**XLV. REPORT OF THE TREASURER OF _____ TOWN-
SHIP, _____ COUNTY, OHIO.**

To the County Auditor, for the year ending August 31, 186—.

(To be made to the Auditor on or before the 20th day of September.)

RECEIPTS.

Amount of School Moneys received during the year from the following sources, viz:

Balance on hand September 1, 186—	\$ _____
State Tax	_____
Irreducible School Funds	_____
Township Tax for School and School-house Purposes	_____
Fines, Licenses, Tuition of non-resident Pupils, and other Miscellaneous Sources	_____
Amount received from adjoining townships for support of Joint Sub-district School—State Funds, \$—; Township Tax, \$—: Total	_____
Total Receipts	\$ _____

EXPENDITURES.

Whole amount paid teachers during the year—

Common, \$—; High, \$—; German, \$—; Colored, \$—:	
Total	\$ _____
For Sites, Buildings and Repairs	_____
For Fuel, and other Contingent Expenses	_____
Amount paid to other townships for support of Joint Sub-district School—State Funds, \$—; Tp. Tax, \$—: Total	_____
Total Expenditures	\$ _____

Balance on hand September 1, 186—	\$ _____
Amount of outstanding orders unpaid September 1, 186—	\$ _____

I certify the foregoing to be, in all respects, correct.

_____, Treasurer.

_____, Ohio, _____, 186—.

EXPLANATIONS AND DIRECTIONS.

1. The above report should cover only the moneys *actually* received and disbursed by the Treasurer during the school year ending August 31. In case the school funds arising from the second semi-annual distribution of taxes are not received on or before August 31, such funds must be reported by the Treasurer among the receipts of the following year. In case there were outstanding orders unpaid on the 1st of September, the amount of such orders should be added to the report in order that it may show the entire expenses of the schools during the year, and thus correspond with the returns of the board of education. All claims upon the school fund for expenses incurred during the year should be settled and paid, if possible, previous to August 31.

2. By "Irreducible School Funds" is meant all funds received from the State as interest on the Virginia Military, United States Military, or Western Reserve School Funds, the rent of or the interest on the proceeds of the sale of "Section Sixteen."

3. All money paid by non-resident pupils for tuition in any school in the township must be paid into the township treasury to be disbursed on the clerk's order, and reported under the head of Receipts.

4. All moneys paid by the adjacent townships for the support of a joint sub-district school must be reported by the treasurer of such adjacent townships, as a separate item, under the head of *Expenditures*; and the moneys thus received from the adjacent townships by the treasurer of the township whose board has charge of such joint school, must be reported, as a separate item, under the head of *Receipts*.

CHAPTER V.—FORMS FOR SCHOOL EXAMINERS, AUDITORS, ETC.

XLVI. APPOINTMENT OF SCHOOL EXAMINERS.

OFFICE OF JUDGE OF PROBATE,
——, — County, O., —, 186—.

Being satisfied that —— is a competent and suitable person to act as a member of the board of school examiners for this county, under the "act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, I do hereby appoint him to said office for the term of two years from date, and until his successor shall be appointed.

——, Judge of Probate.

XLVII. REVOCATION OF SCHOOL EXAMINER'S APPOINTMENT.

OFFICE OF JUDGE OF PROBATE,
—— County, O., —, 186—.

Whereas, on the —— day of ——, 186—, —— was appointed to the office of school examiner of —— county, for the term of two years from the date of such appointment; and, whereas, evidence has been filed with me, judge of probate of said county, and I have become satisfied that said —— is an unfit person to be retained as a member of the board of school examiners of said county, in consequence of (*here state the cause of action*):

Therefore, the said appointment of said ——, as school examiner of said county, is hereby revoked.

——, Judge of Probate.

XLVIII. NOTICE OF MEETINGS FOR THE EXAMINATION OF TEACHERS.

Notice is hereby given that there will be a meeting of the board of school examiners of —— county, for the examination of teachers, at ——, on the last —— of each month of the year; and that a meeting will also be held on the second —— of April, May, October and November. Each applicant for a certificate should be present as early as —— o'clock A. M.

By order of the Board,

——, 186—.

——, Clerk.

XLIX. TEACHER'S CERTIFICATE.

No. _____.

_____ Class.

The undersigned, School Examiners of _____ County, Ohio, having examined _____, DO HEREBY CERTIFY, that — possesses an adequate knowledge of the Theory and Practice of Teaching, and is qualified to teach Orthography, Reading, Writing, Arithmetic, Geography, and English Grammar _____; and that — has furnished satisfactory evidence of good moral character.

This Certificate to be valid for the term of _____ months from date.

Given at _____, and dated this — day of _____, A. D. 186—.

RESULT OF EXAMINATION.

Orthography
 Reading
 Writing
 Arithmetic
 Geography
 English Grammar
 Theory and Practice

_____,
 _____,
 _____,
 _____,
 _____,

School Examiners.

Rules and Explanations.

1. The character of the applicant's examination is represented on a scale of one to ten—one denoting the lowest qualification and ten the highest.

2. Four classes of certificates are granted, as follows: First Class, valid 24 months; Second Class, valid 18 months; Third Class, valid 12 months; Fourth Class, valid 6 months.

3. A satisfactory examination in the theory and practice of teaching, and a high degree of success in teaching, will also be considered in determining the class of certificate to be granted. No certificate is granted unless the applicant passes an examination in each branch of study required by law.

L. REVOCATION OF TEACHER'S CERTIFICATE.

To the Local Directors of Sub-District No. —, — Township, — County, Ohio :

Whereas, the board of examiners of said county, on the — day of —, 186—, granted a certificate to — —, authorizing him to teach orthography, &c., for the term of — months, and he is now engaged as a teacher in said sub-district:

And, whereas, it has been represented, and said board has become satisfied, that — — is an unfit person to be retained as such teacher, in consequence of (*here state the offense*):

Therefore, you are hereby required to discharge and dismiss said — — from his said employment. His said certificate is revoked.

By order of the Board,

— —, 186—.

— —, Clerk.

NOTE.—A teacher's certificate may also be revoked when he is not engaged as a teacher. When this is the case, the first line of the above form should be omitted, and the last paragraph changed to read as follows: "Therefore, his said certificate is hereby revoked."

LI. QUARTERLY REPORT TO COUNTY TREASURER.

REPORT OF THE BOARD OF SCHOOL EXAMINERS OF — COUNTY, OHIO,
TO THE COUNTY TREASURER.

For the quarter ending —, 186—:

Number of meetings held during the quarter..... —

Whole number of applicants examined—Male, —; Female, —: —

Total —

Amount received of applicants on examination fees..... \$—

I certify the foregoing statement to be correct.

_____,
Clerk of Board of Examiners.

_____, Ohio, _____, 186—.

NOTE.—The first quarter ends the last day of November; the second, the last day of February; the third, the last day of May; and the fourth, the last day of August. The orders drawn by the Auditor to pay for revenue stamps and the necessary traveling expenses of the Board of Examiners cannot, in any "one quarter, exceed *one-third* of the amount collected and paid over by said Board as examination fees" during said quarter. —*Act passed March 28, 1865, Sec. 3.*

LL. FORM OF SCHOOL EXAMINERS' REGISTER.

RECORD OF A MEETING FOR THE EXAMINATION OF TEACHERS.

Held by the Board of School Examiners of _____ County, Ohio, at _____ on the _____ day of _____ 18__.

Examination Fees.	Name of Applicants.	Post-Office Address.	Nativity.	Age. (If under 20.)	Terms of Experience.	Examined at a previous Meeting of Current School Year.	PER CENT. OF CORRECT ANSWERS.							No. of Certificate.	No. of Months Certificate is valid.
							Spelling.	Reading.	Writing.	Arithmetic.	Geography.	Eng. Grammar.	Theory and Practice.	Average.	

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RECAPITULATION.

No. of Applicants Examined.	NUMBER OF CERTIFICATES GRANTED.						No. of Applicants REJECTED.		No. of Applicants previously Examined.	Amount of Fees Collected.	Cost of Revenue Stamps	NAMES OF EXAMINERS PRESENT, and No. of Days spent by each.	Necessary Traveling Expenses.
	24 Months.	18 Months.	12 Months.	6 Months.	Male.	Female.	Male.	Female.					
Male.													
Female.													

Remarks:

Clerk Board of Examiners.

LIII. REPORT OF THE BOARD OF SCHOOL EXAMINERS

Of _____ County, Ohio, to the State School Commissioner, for the School year ending August 31st, 186-.

(To be forwarded to the Commissioner on or before the first day of October.)

1. Number of meetings held for the examination of teachers during the year.....
2. Number of localities in which meetings were held during the year.....

Number of applicants for certificates, number of certificates granted, and number of applications rejected.

3. Whole number of applications Certificates.*			4. NUMBER OF CERTIFICATES GRANTED.										5. applications rejected.		
			For 24 Mo's.		For 18 Mo's.		For 12 Mo's.		For 6 Mo's.		Total.		Grand total.		
													(Male and Female.)		
Male.	Female.	Total.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Total.

6. Number of different applicants for certificates.*.....
7. Number of different applicants to whom no certificates were granted.....
8. Number of applicants natives of this State.....
9. Number of applicants colored (if any).....
10. Number of applicants under 20 years of age.....
11. Were *oral* or *written* answers required of applicants?.....
12. Were the questions of the Board presented orally, by writing them upon a black-board, or by printed slips?.....
13. Amount received from the county by the Examiners as pay for their services..... \$.....
14. Amount of examination fees collected and paid to County Treasurer during the year—1st quarter, \$——; 2d quarter, \$——; 3d quarter, \$——; 4th quarter, \$——; total..... \$.....
15. Amount (if any) received by Examiners to pay necessary traveling expenses—1st quarter, \$——; 2d quarter, \$——; 3d quarter, \$——; 4th quarter, \$——; total..... \$.....
16. Cost of revenue stamps used during the year—1st quarter, \$——; 2d quarter, \$——; 3d quarter, \$——; 4th quarter, \$——; total..... \$.....

*The number of *applications* (question 3) will probably be greater than the number of *applicants* (question 6), since the same person may, in several instances, have applied for a certificate at two or more meetings of the Board. In the answer to question 6, the number of different *persons* that have been before the Board during the year, should be given. Those who were granted a certificate on a second or subsequent trial, should not be included in the answer to question 7.

17. Names of Examiners; business or profession; P. O. address; when term of office commenced.
 18. Number of Teachers' Institutes held during the year.....
 19. Name of President or Secretary of County Teachers' Association.....

I certify the foregoing to be correct.

 Clerk of Board.

 Ohio,

_____, 186—.

LIV. AUDITOR'S REPORT OF TEACHERS' INSTITUTE FUND.

A Statement showing the amount of Examination Fees collected and paid to the County Treasurer by the School Examiners of _____ County, Ohio, during the four quarters ending August 31, 186—; also, the amounts paid out of such fund for the several purposes named in the School Law.

	RECEIPTS	EXPENDITURES.				Balance in Treasury at the close of the School Year.
	Amount of Examination fees collected and paid to County Treasurer.	Amount paid for Revenue Stamps.	For necessary Traveling Expenses of Examiners.	For support of Teachers' Institute.	Total Expenditures.	
SCHOOL YEAR OF 186—.						
1st quarter ending —, 186
2d quarter ending —, 186
3d quarter ending —, 186
4th quarter ending —, 186
Total

I certify the foregoing to be a correct statement.

 Auditor.

AUDITOR'S OFFICE, _____ County,

_____, Ohio, _____, 186—.

LV. TEACHERS' INSTITUTES.

Constitution of the ——— County Teachers' Association.

PREAMBLE.

As a means of improvement in the profession of teaching, and of promoting the interests of the schools in our county, we, the undersigned, associate ourselves together under the following

CONSTITUTION.

ART. I. This Association shall be called the ——— County Teachers' Association.

ART. II. The officers of this Association shall be a President, three Vice Presidents, a Secretary, Treasurer, and an Executive Committee of three members, who shall also perform the duties of a Financial Committee. The Secretary shall, *ex officio*, be one of the members of this Committee, and shall keep a record of its proceedings.

ART. III. It shall be the duty of the President to preside at all meetings of the Association. In case of vacancy, or his absence, any one of the Vice Presidents or the Chairman of the Executive Committee may perform his duties.

ART. IV. It shall be the duty of the Secretary and Treasurer to perform the usual duties devolving upon such officers.

ART. V. The Executive Committee shall carry into effect all orders and resolutions of the Association, and shall devise and put into operation such other measures, not inconsistent with the objects of this Association, as it shall deem best. It shall arrange business for all regular meetings of the Association, and shall appoint, under the direction of the Association, at least one such meeting each year. It shall make all necessary arrangements for holding and conducting at least one Teachers' Institute in the county each year. In case the amount of money under the control of the Association, including the Institute fund in the hands of the County Treasurer, be insufficient to defray the necessary expenses of an Institute, said Committee shall fix and give due notice of an institute tuition fee to be paid by those attending such Institute. All moneys belonging to this Association are to be paid out only on orders drawn by the Executive Committee.

ART. VI. The Executive Committee shall hold its meetings as soon after election as possible. Two members shall constitute a quorum for business, and afterwards may meet on their own adjournment or appointment.

ART. VII. Any Teacher, or active friend of education, may become a member of this Association, by subscribing to this Constitution and contributing annually to the funds of the Association.

ART. VIII. The officers of this Association shall be chosen by ballot, or in such other manner as the Association may direct, at the annual meeting, and shall hold their offices for one year, or until their successors are elected.

ART. IX. This Constitution may be altered or amended by a majority of the members present at any regular meeting, provided notice of such intended alteration or amendment shall have been given at the preceding meeting.

LVI. REPORT OF COLLEGES, SEMINARIES AND ACADEMIES.

Report of _____ to the State School Commissioner.

FOR THE SCHOLASTIC YEAR ENDING IN 186—.

1. Name and Location of Institution.
2. Name and Degree of President or Principal.
3. Year in which the Institution was Established.
(If incorporated, give the year of incorporation.)
4. Number of regular Professors or Teachers—
Male —, Female —, Total —
5. Whole number of students in attendance during the year..... —
6. Number of students enrolled each term or quarter of the year—
1st Term —; 2nd Term —; 3rd Term —; 4th Term —
7. Number of years occupied in completing the several courses
of study—
Classical Course —; Scientific Course —; — Course —
8. Number of students pursuing the several courses of study du-
ring the year—
Classical Course —; Scientific Course —; — Course —
9. Number of students in preparatory classes, including all irreg-
ular students..... —
10. Number of graduates in each course in 1865—
Classical Course —; Scientific Course —; — Course —
11. Whole number of graduates in classical course since the Insti-
tution was established —
12. Number of weeks in scholastic year —
13. Cost of tuition per year..... \$ —
14. Estimated yearly expenses of student, including board, \$ — to \$ —
15. Number of indigent students granted free tuition during the year —
16. Amount of income from tuition during the year \$ —
17. Amount of income from invested funds, rents and donations
during the year \$ —
18. Am't of endowment funds, not includ'g buildings, grounds, etc. \$ —
19. Increase in endowment funds during the year..... \$ —
20. Value of buildings and grounds \$ —
21. Value of apparatus, not including libraries..... \$ —
22. Number of volumes in libraries —
23. Date of next Commencement

The foregoing is a correct statement.

Ohio._____
186—.

NOTE.—In a few of the Colleges of the State two, and in some cases three, courses of study are prescribed. The Commissioner wishes to ascertain the number of students regularly pursuing each of these several courses. The name of the third course is to be supplied by the person filling the blank. The term "Scientific" is used to designate a partial or English course. In those institutions that have a six years' course of study, the two lower classes ought to be reported as preparatory.

The answer to the sixth question is particularly desired. The answers to the sixteenth and seventeenth questions may be omitted if there is any objection to their publication. The seventh, eighth, ninth, tenth, eleventh and twenty-third questions do not apply to Seminaries and Academies in which no regular courses of study are prescribed.

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